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Journal of Administration Overseas

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INCLUDING

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Agrarian Reform in Iraq
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Editor's Notes

THIS is the first issue of the Journal under the new title of '*Journal of Administration Overseas*'. In dropping 'Local' from our name we have indeed dropped the ancient pilot of our past policies; but in recent years it has become abundantly clear that in almost every new independent country there is no clear cut division between local and central government: the two, in varying degrees, are interdependent and many institutions which once tended to concentrate on the local aspects of government now cover administration generally and the training of administrators at all levels. Our pilot henceforth will be administration and our intention to provide the broadest practicable coverage within the context of current administration in as many overseas countries as possible.

The Right Hon. Anthony Greenwood, M.P., Minister of Overseas Development, has welcomed this change of name and has sent us a message in which he says 'Through the Journal administrators and teachers of administration can learn of the experience of their counterparts in other countries. The world is desperately short of know-how in this as in so many other fields. By pooling our knowledge we can all help each other'.

This issue contains an article of particular interest by John D. Chick who compares the role of the former colonial Resident with that of the politically-appointed Provincial Commissioner who has replaced him. While the context is that of Northern Nigeria where the Resident exercised, perhaps, rather more political power than his colonial service colleagues in other British Dependencies, nonetheless he in Nigeria and the Provincial Commissioner in other parts of Africa have now been replaced by a political appointee under a variety of names such as Provincial or Regional Commissioner and Resident Minister. The succession is similar. Mr. Chick suggests that the new political mantle is not so different from the old as many might suspect. The similarity may well be closer in Northern Nigeria than elsewhere; but the parallel is identical and there is food for thought here which students of the transition period following independence in the former British Dependencies should find most stimulating. Both in discussing the Resident/Commissioner role and also in considering the position of the latter's civil service secretary, Mr. Chick poses the question how far political impartiality can be achieved in the public service and suggests that the Ghana/Tanzania model of one party state with civil servants encouraged to be active party members, is likely to be the rule rather than the exception throughout Africa.

Here it may be worth pausing to look for a moment at the civil servant in any functioning democracy. He is the servant of the state and he is bound to further and to execute the policies of whatever party happens to form the government of the day. In a sense, therefore, he can never be impartial: but be it a western democracy or be it a new-style one-party State, the civil servant has surely one paramount duty, always to maintain complete moral impartiality so that he acts justly, in good faith and without fear or favour.

Other Articles include studies of Agricultural Progress in Zambia by George Kay, Basic Democracies in Pakistan by Mrs. Salma Omer and Land Reform

in Iraq by Dr. Nimrod Raphaeli from which one particular lesson emerges – how necessary it is before introducing major legislation to ensure that there is the administrative capacity to carry out the law efficiently when it has been passed. We also welcome in this Number an article on 'twinning' by the Town Clerk of Harrow but regret that its promised counterpart from Broken Hill failed to reach us before we went to press.

Book reviews occupy rather more space than usual; this we feel is justified by the influx of important literature relevant to administration overseas.

Finally, we note that Mr. C. G. Ferguson's article in the July issue of 1965 'The Story of Development in Malaya (now Malaysia) – Some Aspects' has since been reproduced as a special brochure entitled 'Techniques used for Developing Malaysia' by the Ministry of National and Rural Development, Kuala Lumpur.

Acknowledgement

Mr. Leemans' article in our January issue of 1966, on University Teaching in Local Government and Administration was an abridged and revised version of an Article which was first published in the Archiv für Kommunalwissenschaften, 1962 vol. II.

Cambridge Conference, 1966

The Cambridge University Overseas Studies Committee will be sponsoring its sixth annual Summer Conference from 4th to 17th September. The subject for discussion will be "How to make Aid more Effective through Co-operation". The Conference will be held at Jesus College and the Chairman will be Dr. R. E. Robinson D.F.C., Fellow of St. John's College.

Postscript

Mr. Chick's Article and the foregoing Editors' Notes went to press before the recent military coups in Nigeria and Ghana: but, despite these events, the relevance of Mr. Chick's argument is not disturbed – rather should it now stimulate some new thinking on the role of the Civil Servant functioning under military instead of political surveillance.

Some Reflections on the Political and Administrative Functions of Provincial Authorities in Northern Nigeria

By JOHN D. CHICK
Mr. John D. Chick is Lecturer in Political Science, Ahmadu Bello University, Northern Nigeria.

MR. KIRK-GREENE'S recent article describing the development of Provincial Administration in Northern Nigeria[1] provides a very useful and perceptive discussion of the background to the Provincial Administration Law of 1962. At the same time it raises certain questions which may profitably be given further consideration. One is prompted to wonder, for example, what has been the precise nature of that change, initiated by the Law, which is characterized as the 'politicization of the provincial administrative system'.[2]

The term 'politicization' is ambiguous. It is sometimes used in place of the more common 'political socialization' to describe 'the process of induction into the political culture'[3] of an individual or of a social group. Here, however, this usage is clearly not applicable, and two alternative meanings may be suggested as having particular importance for the study of provincial administration.

(*a*) The word may be used to define the process whereby an office or an institution, which has previously functioned within the limits of the existing power structure of a policy, changes its role in such a way that it comes to possess an influence, either actual or potential, upon the framework of the power structure itself. If such a change takes place, the office or institution involved may be said to have ceased to be purely administrative and to have acquired 'political significance'. In practice the great majority of offices possess some measure of political significance of this kind, and it is possible to make some comparisons between them by considering the balance of the active and passive elements in the relationship of each with its power environment. Clearly no exact measurements can be made, but it is often useful to be able to refer to one office as being 'more politically significant' or 'less politically significant' than another, and, in many cases, careful examination makes such a judgment possible.[4]

[1] A. H. M. Kirk-Greene, 'A Redefinition of Provincial Administration: The Northern Nigerian Approach,' *Journal of Local Administration Overseas*, Vol. IV, January, 1965. I am grateful to Mr. Kirk-Greene for reading the original draft of this article and for making a number of valuable comments and suggestions for revision.

[2] *Ibid.*, p. 15.

[3] Gabriel Almond and James S. Coleman, eds. *The Politics of the Developing Areas*. Princeton: Princeton University Press, 1960. p. 27.

[4] This approach is similar to that used, with more precision, by Apter and Lystad in their study of bureaucracy in the Gold Coast (David E. Apter and Robert A. Lystad, 'Bureaucracy, Party and Constitutional Democracy', in Gwendolen M. Carter and William O. Brown, eds. *Transition in Africa*. Boston University Press, 1958) in which the terms 'specific' and 'diffuse' are used to 'represent the two poles of characteristic role action between which varying degrees of [functional] specificity or [functional] diffuseness may be differentiated'. (*Ibid.*, p. 19). A diffuse role would tend to have high political significance (goals: alternative, implicit, wide; means: alternative, implicit, wide) and a specific role, low political significance (goals: required, explicit, narrow; means: required, explicit, narrow).

(*b*) The word may be used to indicate that an office or institution has ceased to be neutral as between various sectional pressures operating within the community. In order to avoid confusion with 'politicization' as defined above, such a change will be referred to throughout this study as 'partisanization' – an ugly word, but one that gives an accurate impression of the nature of the process involved. Partisanization does not necessarily imply a complete identification with one interest in the state to the exclusion of all others, since a wide variation in the degree of partisan attachment is possible. In most political systems the bureaucracy shares the behavioural norms of a limited segment of society and tends, unconsciously, to act as if the interests of that segment were identical with the interests of society as a whole. This tendency may not be of great importance, and it is sometimes offset by institutional checks (such as the answerability of civil servants to a popularly elected legislature or to independent courts) and a traditional concern for non-alignment on the part of bureaucrats themselves. It may, however, become a serious threat to the efficiency of administration, and ultimately to political stability, if a large proportion of the population begins to feel alienated from the bureaucracy, and especially if the bureaucrats exacerbate the situation by a conscious use of their position to further the objectives of the group with which they associate themselves. The conflict latent in such a situation may not be realised if the links are with a social grouping, such as a class or elite, which is not highly cohesive or easily identified as a distinct interest within the state, but it tends to become explicit if the links are with a political party whose existence is tangible and programme well publicised.

It must be realised that there is a relationship between the two concepts of politicization used here. An institution is hardly likely to be partisan, in any meaningful sense of the term, if it has negligible political significance. As its significance increases, so does the possibility that its value for use for partisan ends will become apparent and that it will, in fact, be used in this way.[5]

Mr. Kirk-Greene is primarily concerned with the possibility that recent changes in the system of provincial administration in Northern Nigeria represent the first steps towards the partisanization of a hitherto neutral administrative agency, and he lists in some detail the arguments for and against such a development. Certainly one is struck by the 'transfer of powers from a civil servant (the Resident) to a political appointee (the Provincial Commissioner)',[6] but if one is to pass judgment upon the implications which this involves for the authorities (with regard to both their political significance and their degree of partisanization) it is necessary to examine in more detail the roles of the Resident and of the Provincial Commissioner, in order to discover how dissimilar they are likely to prove in practice.

The obvious starting point for any discussion of governmental structures

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[5] Once a thoroughly partisan tradition has been established it may result in even the most routine of administrative tasks, such as the issuing of licences or the registration of vehicles, being used as weapons in the party struggle. On the whole, however, it seems likely that partisanization will first become apparent in activities with high political significance and work downwards rather than *vice versa*. The higher levels of a bureaucratic machine should be able to resist pressures from below, whereas the reverse is seldom true.

[6] A. H. M. Kirk-Greene, *op. cit.*, p. 12.

and processes in a recently independent state is to compare them with those in existence and operation under the colonial regime. This is a rewarding approach, but it involves the danger that, in looking for, and finding, contrasts between the pre- and post-independence conditions, these may be allowed to obscure the more fundamental, but less obvious, continuities which almost always exist.

The Resident

It is a commonplace that the work of almost every administrator, even the most lowly, involves an element of political influence, albeit often a very slight one. In the context of the colonial situation, however, the political aspect of an official's duties has invariably been of tremendous importance, and, in many cases, has entirely overshadowed his administrative functions. This is particularly true in areas where a policy of indirect rule has entrusted the bulk of routine administrative duties to indigenous functionaries and institutions. It was with good reason that the title 'Political Officer' was used instead of the more common 'Administrative Officer' to describe the field representatives of the colonial authorities following the establishment of imperial control in Northern Nigeria, and that Lord Lugard directed their activities by means of 'Political Memoranda' rather than 'Administrative Instructions'.

With the passing of time there was, inevitably, a trend regularising the political role of officers, so that less scope was left for personal political initiative among the lower cadres and they were subjected to more comprehensive supervision from above. It remained true, however, 'that interests in the distribution, maintenance, or transfer of power [were] decisive for ... determining ... the official's sphere of activity'[7] and therefore, according to Weber's definition, the District Officer would be considered a 'political official' rather than a neutral administrator. Certainly this was true in the case of the Resident, who was primarily concerned with 'striving to influence the distribution of power ... among groups within a state'.[8]

Sometimes the administration did not understand the impact of its actions. For example, M. G. Smith believes that 'It is unlikely that the British were fully aware that [the breaking of the traditional prohibition against consecutive appointments from the same dynasty to the throne of Zaria] marked a stage in the transformation of the monarchy and the political system from a system of competition between several dynasties to a qualified monodynastic system'.[9] More often, however, the ends achieved were consciously sought, as in the enforcement of peaceful co-existence between the neighbouring political units, or the definition of the relationship between pagan communities and the Emirates.

The extent and depth of the influence which was attempted is illustrated by the statement that 'the primary duty and object of a Political Officer will be to educate them [the Chiefs] in the duties of Rulers according to a civilised standard; to convince them that oppression of the people is not sound policy,

[7] H. H. Gerth and C. Wright Mills, eds. *From Max Weber*. New York: Oxford University Press, 1958. p. 78.

[8] *Ibid.*, p. 78.

[9] M. G. Smith. *Government in Zazzau, 1800–1950*. London: Oxford University Press, 1960. p. 235.

or to the eventual benefit of the rulers; to bring home to their intelligence, as far as may be, the evils attendant in a system which holds the lower classes in a state of slavery or serfdom, and so destroys individual responsibilty, ambition, and development amongst them; to impress upon them the advantage of delegating the control of districts to subordinate chiefs, and of trusting and encouraging these subordinates, while keeping strict supervision over them.'[10] In all this the Residents had a fundamental part to play. They had 'to carry out loyally the policy of the Governor, and not to inaugurate policies of their own',[11] but it was emphasised that 'the Governor, through the Lieutenant Governor, is at all times ready and anxious to hear, and to give full and careful consideration to the views of the Residents'[12] and, moreover, although they were bound to give effect to the Governor's decisions, 'a rigid adherence to the letter of a ruling'[13] was not expected. There is ample evidence that this flexibility was used to initiate far greater variations in the practice of government than are normally implied by the existence of administrative discretion. One of the most influential of all Residents, C. L. Temple, went so far as to suggest that the Resident should 'not be called upon for . . . justifications'[14] of steps taken in the carrying out of policy, but should be judged solely on the basis of the results achieved.

The right of Residents to express their views on questions of broad policy was symbolised by their attendance at the Emirs' conferences (held after 1931) as advisors, and by their membership of the Regional House of Assembly under the constitution of 1946, but their true power was of a less formal kind. Their status as experts on the affairs of the provinces they controlled, and the government's dependence upon them for evaluations of the impact of all fundamental decisions taken, as well as for the implementation of such decisions, gave them very real control over the formulation of policy and the manner of its application in specific circumstances. In her study of the development of Indirect Rule, Mary Bull leaves no doubt about the influence of the Residents, collectively and individually, in shaping the broad outlines of the institution in Northern Nigeria.[15]

The Provincial Commissioner

The instructions defining the office of the Provincial Commissioner state that he 'is a Minister to whom has been assigned responsibility for the business and administration of a Province. He is the direct representative of the Government in the province to which he has been appointed' and 'all functions delegated to the Resident under the provisions of any written law are now delegated to the Provincial Commissioner.'[16] The quotation indicates

[10] *Political Memoranda*, 1918, p. 11.
[11] *Ibid.*, p. 10.
[12] *Ibid.*, p. 10.
[13] *Ibid.*, p. 10.
[14] C. L. Temple, *Native Races and Their Rulers*. Cape Town: 1918, p. 70.
[15] Mary Bull, 'Indirect Rule in Northern Nigeria, 1906-11,' in Kenneth Robinson and Frederick Madden, eds. *Essay in Imperial Government*. Oxford: Blackwell, 1963. pp. 47-88. The same conclusion emerges from the introduction to A. H. M. Kirk-Greene. *Principles of Native Administration in Nigeria*. London: Oxford University Press, 1965.
[16] *Administrative Instructions to Provincial Commissioners and Provincial Secretaries*, Kaduna, pp. 1-2.

that it is the commissioner and not the career administrator, the provincial secretary, who is the main legatee of the old office of Resident. This does not mean, of course, that the nature of the office has remained unchanged. The fact that the commissioners are representatives not only of the government, but also of the indigenously based political party controlling the government, is likely to give them a more intensely personal interest in the political issues which engage their attention, than that possessed by the majority of expatriate Residents.

Fundamentally the difference is that the Provincial Commissioner responds to political stimuli which are all internal to the society in the context of which he acts (although some of these stimuli may be remote from the experience of the ordinary individual), while the Resident was the mediator between the indigenous political system and a constellation of alien norms imposed upon society from without. On the whole it is the case that the Resident's actions were less readily explicable in purely local terms than are those of the commissioner, and the latter will therefore seem less 'aloof' than the former and more ready to react to local, partisan pressures.

All of the holders of the posts have functioned as party propagandists and apologists, and there has been some criticism of their activities on the grounds that the fact that they are paid from public funds has unduly increased their effectiveness in this role. It is impossible, for example, to distinguish with any precision between speaking tours undertaken by a commissioner in an official capacity, and those undertaken on behalf of the party – by its very nature, even a restrained defence of the government's policy is also a defence of that of the party, and *vice versa*, while, in fact, the speaker will seldom miss an opportunity to 'sell' the party to his audience in a very positive manner. On these occasions opposition elements are inclined to feel that, because the commissioner's tour will almost certainly be the subject of a claim for travelling expenses from official funds, while they would have to finance a similar enterprise from their own pockets, the system operates to their disadvantage. This is obviously true, but it is a complaint which will always be made where rival parties contest the control of a state which one of them already possesses. Even if some means could be found of eliminating the financial advantage of members of the government party, they would still benefit from the higher status usually accorded to those in authority.

Nevertheless, it is possible to exaggerate the importance of this aspect of the situation. In the particular conditions of Northern Nigeria, there are relatively few areas in which the party-political contest is so delicately balanced that such activities will have any significant effect upon the power structure of the province.[17] In most cases, where the commissioner is dealing with an overwhelming majority of the converted and a small minority of the implacably hostile, his presence will merely be one more, relatively minor, factor tending to symbolise and preserve the *status quo*. Under such circumstances, his importance as a party appointee will be small compared with his role as the local supervisor of the political changes associated with rapid, planned modernisation. In practice much of his time will be devoted, in co-operation

[17] Recent events amongst the Tiv of Benue Province provide an example of a situation in which the Commissioner may exercise a decisive influence, but this is the exception rather than the rule.

with the central departments, to questions which are not usually the subject of partisan dispute: the rationalisation of agriculture, the extension of education, the improvement of physical amenities, the fostering of local commercial and industrial enterprise and the search for social integration, for example.[18]

The part which the Provincial Commissioner plays in introducing these changes will depend largely upon his relationship with the Executive Council. His subordination to the council is made explicit in the relevant administrative instructions which state that 'the directions of a Minister who is a member of the Executive Council with Portfolio can override those of the Provincial Commissioner.'[19] As a minister who is not a council member, it is probably true to say that, while his influence is great, he is slightly removed from the true centre of authority. In fact he holds a similar position with regard to the Executive as did the Resident with regard to the Lieutenant Governor, and, although his powers will vary with the personalities involved, basically his office implies the same functions:

(*a*) to advise the government on general policies which impinge upon the administration of his province;

(*b*) to be consulted on all matters directly affecting his province;

(*c*) to use his own judgment in applying government policy in a flexible manner, in order to ensure that it is appropriate to local conditions;[20] and

(*d*) to provide information regarding his province to the government so that it has a 'feedback' upon which an evaluation of the sucess of its various policies can be based.

Nor does it seem likely that the commissioner's standing in the party will bring him substantially greater influence than does his official position. The existence of three distinct but related systems of government affecting Northern Nigeria, the local, regional and national, gives rise to a certain amount of status confusion because of the difficulty of evaluating the relative importance of the different systems at any given time, but it seems that there is a direct correlation between an individual's status in the party and the position he holds in the government hierarchy. In fact, members of a party which is so dominant in a society, and so closely identified with the government machine, as is the Northern Peoples' Congress, may well find that their political careers follow an increasingly bureaucratic pattern. Promotion within the party will often be linked with promotion between posts at the disposal of the government and so will become associated with regular salaries and, as the system becomes established, evidence of administrative ability

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[18] Any of these subjects can arouse partisan feelings, of course. In a country where physical amenities and educational facilities are severely limited, their allocation sometimes gives rise to considerable bitterness and is often used for blatantly partisan ends. Similarly the goal of social integration is not fully accepted, in either its vertical or horizontal (tribal) dimensions, by all elements of the population and, although it is now generally regarded as a desirable objective, the speed at which, and extent to which, the process is to proceed, are issues on which disagreement is widespread.

[19] *Administrative Instructions, op. cit.*, p. 4. This raises the question of whether the Provincial Commissioner is, as a Minister, included in the Council's collective responsibility for government; presumably he is not.

[20] In this respect his discretionary powers will probably be less substantial then those of the early Residents, as a result of improved communications, which make for easier consultation with Kaduna, and of the fact that he is subject to control through the machinery of both the Government and the party.

will more frequently be regarded as a necessary qualification for entry to higher levels. It is then possible that a rudimentary career structure will emerge.

The Significance of the Law of 1962

It seems, therefore, that there is little evidence for supposing that the Provincial Commissioner is more or less a 'political' figure than was the Resident.[21] Both occupy a similar position in the authority structure of the Region, and both have a similar part to play in the decision-making process and in the formulation and application of policy. What is true is that the former is usually regarded as partisan whereas the latter was not.

On the other hand, this is true of all locally recruited personnel. As S. S. Richardson has pointed out (and he is quoted with approval by Mr. Kirk-Greene), 'It is comparatively easy for a foreigner to hold an official position in an overseas territory without local involvement. Conversely, it is absolutely impossible for an African official to occupy a post in his own country without local involvement.'[22] In other words, 'politicisation' in the sense in which Kirk-Greene uses the word may be an automatic concomitant of the localization of the cadres, even if every attempt is made to maintain the existing standards of objectivity and impartiality in administration. It is particularly so when, as usually happpens in a developing country, administrators must be drawn from an educated elite which is small and politically committed.

Under such circumstances, the only way in which creeping partisanization can be avoided in the provincial administration is to recognize that they always have been, and always will be, institutions in which the political and administrative functions are so closely intertwined that no entirely satisfactory separation is possible. Faced with this situation, the Government of Northern Nigeria has sought, in creating the twin posts of Provincial Commissioner and Provincial Secretary, to focus (but not to isolate, because this would be impossible) political responsibility in one office and administrative responsibility in the other. Since the commissioner is an avowedly political figure who owes his position to nomination by a party, there is a possiblity that he will become the centre of whatever partisan pressures may exist and will undertake the task of reconciling them, while the Secretary will be left free to direct his staff in providing a relatively neutral administration, shielded from the more obvious considerations of political advantage.

Nigeria has so far rejected the belief, dominant in Tanzania and Ghana, for example, that political commitment is a necessary attribute of public servants in an underdeveloped state if undivided loyalty and efficiency are to be maintained. In the conditions of modern Africa, however, commitment (whether to the government or to the forces of opposition) is likely to become the rule rather than the exception whether or not it is consciously sought. A 'partisan drift' within the framework of the old institutions is virtually inevitable as Nigerianization occurs. It is by no means certain that it can be effec-

[21] It is interesting to note that Lugard believed that "the term 'Resident' implies duties of a Political or advisory nature, while the term 'Commissioner' connotes functions of a more directly Administrative character." *Political Memoranda, op. cit.*, p.9.

[22] S. S. Richardson. *The Evolving Public Service in Africa.* Wisconsin University, 1964. pp. 3-4.

tively limited, or even that it is desirable to do so, but if this is the aim, then constitutional changes, seeking to define more precisely than did the old mechanisms the division between political and administrative functions, hold out the only hope of doing so. This conclusion was accepted in the case of the organisation of central government services, when the old departmental structure was transformed into the familiar ministerial system, and the 1962 Provincial Administration Law is merely the logical extension of the principles adopted at that time, into a field in which reform was overdue. Whether the equilibrium between political control and administrative independence can be maintained remains to be seen, but the formula adopted does imply an attempt to reconcile these two prerequisites of stable, popular government. Far from being a major step towards the partisanisation of the provincial authorities, the advent of the Provincial Commissioner may well be the means of preventing such a process, already evident, from progressing too far.

Agricultural Progress in Zambia's Eastern Province

By GEORGE KAY.
Mr. Kay is Leverhulme Fellow in Commonwealth Studies in the Department of Geography, Hull University.

THROUGHOUT much of tropical Africa a dearth of technical and scientific knowledge and of capital resources confine indigenous peoples to a primitive polyfunctional life in which much effort is expended and the returns are neither abundant nor assured. Furthermore, during the present century villagers have been drawn into a wider sphere than that of their tribal group and contact with western civilization has created new needs and wants. Traditional subsistence production is no longer adequate, and cash is frequently required to meet necessities of modern life. In most rural areas opportunities to earn cash are very limited and thousands of men leave their village homes each year to seek work in cities and towns and in those highly localised regions where commercial farming on a large scale has been successfully developed. But paid employment is limited too, and there are insufficient jobs for all those who seek work. Urban unemployment and rural underemployment are now urgent problems in tropical Africa, and in order to raise rural standards of living rapidly and make them comparable with those of urban workers an agricultural revolution is required.

In many areas new methods of land use are necessary not only to alleviate poverty but also to preserve the very means of production. It has long been recognised that indigenous agricultural systems generally are admirably adapted to their physical environment and make full use of available resources within the limits of the traditions and technology of the African peoples, but because productivity per unit area is very low they support only a sparse population. Overpopulation and overstocking without compensating changes in land usage set in motion a process of degradation which, if unchecked, ultimately must destroy the land. The process begins slowly but gathers momentum as it progresses. First the vegetation cover suffers from excessive clearing, burning, and grazing. Soil deterioration – the loss of organic matter, plant nutrients and soil structure – follows and consequently regeneration of the vegetation becomes more difficult. Increased exposure to the elements leads to sheet erosion of topsoils. Sheet erosion is followed by gullying, and gullies spread into ever more intricate patterns as they eat into land. Run off is increased and local watertables are lowered; surface water supplies are threatened. Eventually the land becomes virtually useless to man and beast and must be returned to nature in the hope that she may heal herself. To avoid such catastrophies agricultural improvement is essential in seriously overpopulated areas, and in several parts of tropical Africa it has been the need to conserve natural resources as much as the plight of rural populations that has prompted governments to action in rural development.

A review of progress in the Eastern Province of Zambia provides an instructive example of problems that have to be faced in Africa rural areas and

of methods that have been employed with some success to initiate an agricultural revolution. Twenty-five years ago the southern part of the province formed the North Charterland Concession and it constituted a major problem-area. The African population was concentrated in nine grossly overcrowded native reserves which occupied only 35 per cent of the total area. Conditions in these reserves were deplorable, and symptoms of land degradation had caused concern for many years. At first responsibility for the danger to the land was placed largely on the Africans and their primitive agriculture. The reluctance or inability of the local tribes to improve their methods of cultivation was repeatedly condemned throughout the thirties, but gradually the government realised that it was unrealistic to expect rapid spontaneous change and that, in any case, the greater part of the reserves was so heavily used as to make change virtually impossible. Resettlement was an essential prerequisite for agricultural improvement. Six per cent of the concession had been alienated to European settlers but except for the native reserve the remainder (59 per cent) was unoccupied and unused. Fortunately the North Charterland Exploration Company had relinquished its hope of attracting further European settlement to this area and was willing to sell the unallocated land to the Government. Much of the area was unsuitable for settlement but sufficient good land was available to accommodate 78,000 villagers. So pressing were the needs of the reserves and their inhabitants that resettlement was carried on throughout the Second World War in spite of the acute shortage of capital and skilled workers in Zambia during this period. By 1947 only marginal lands remained unoccupied, and since then colonization of these inhospitable areas has been periodically undertaken and is still in progress to provide further relief for overcrowded areas. In recent years, however, emphasis has been placed upon agricultural improvement as a means towards raising productivity per unit area and per capita rather than on resettlement.

Measures to conserve natural resources and to improve African land usage were evolved through study and experiment and have been increasingly applied since 1945. To make full use of all available land a programme of water development and conservation was necessary. Dams and weirs were built across drainage lines to check erosion, reduce runoff, and improve surface water supplies, and deep wells were sunk to tap ground-water where other sources were inadequate. To eliminate or reduce land degradation the cutting of trees and cultivation on steep slopes and along watercourses were prohibited and deliberate burning of the bush late in the dry season was made illegal. All crop land has to be protected from erosion by the construction of earth banks along the contours at a vertical interval of about thirty inches, and cultivation on ridges parallel to these banks has replaced the traditional use of irregularly distributed mounds of various sizes. These conservation measures are easy to apply and they involve little extra work. Nevertheless, when first introduced they were intensely unpopular and had to be rigidly enforced; it is hoped that they are now accepted because their value and purpose are understood, not because of the threat of court action and fines. Conservation must be accompanied by increased production to raise the carrying capacity of the land and to provide a surplus for sale. New methods of cultivation which could be adopted within the broad famework of the customary system of land use therefore had to be taught to the villagers. The use of contour ridges facilitated revision of planting techniques; by planting

crops at appropriate intervals along correctly spaced ridges the number of plants per unit area has been greatly increased, and uniform distribution of seed has improved the yield of each plant. The old practice of placing several seeds at each station ('one for the wild pig, one for the guinea fowl, and one for ourselves') generally has been abandoned and unnecessary competition between plants thus eliminated. Single cropping and the use of simple rotations have replaced intercropping of a variety of plants. Such rotations and the higher crop densities reduce competition from weeds, and the orderly pattern of ridges and plants facilitates weeding and soil cultivation. The introduction of improved varieties, careful seed selection, and early planting to obtain full use of the limited growing season have also helped to increase yields.

These simple improvements constitute the first major advance in agriculture, and they prepare the way for widespread commercial production. Output per capita, however, remains severely restricted by the predominance of hand methods in most operations. The benefits of the use of oxdrawn ploughs and the dangers of their misuse were well known to the government by 1945, and ploughs were therefore introduced with caution. Only those who have acquainted themselves with the correct use of the implement and have agreed to plough along the contours have been permitted to purchase them. The number of ploughs increased steadily since the end of the Second World War and there are now over ten thousand in the province. Their use is not restricted to their owners, and ploughs and plough teams are frequently loaned and leased. Hoe-cultivation has not been ousted by any means, but ploughing has facilitated the extension of many holdings and has accelerated the preparation of seedbeds and made early planting more practicable. Ploughing, of course, eases the burden of work during one season, but by increasing the cultivated area, adds to it at others and at harvest time in particular. Two other innovations have helped to release labour from tedious tasks for more productive purposes. One is the ox-drawn cart and there are now over two thousand properly manufactured modern vehicles in the province. They are probably outnumbered by primitive home-made carts which are relatively inefficient but relatively cheap too, and few families have ready supplies of cash. The other is the power-operated hammer mill, and there are now more than three hundred of these in operation relieving women of hours of toil with a pestle and mortar. There is, however, a need for further mechanization, and specialization, especially at harvest time. To be effective on African smallholdings machinery must be cheap, easy to operate and maintain, and mobile if possible so that it may be hired out or used jointly. The provision of machinery services using expensive equipment offers some possibilities, especially in respect of nonfield operations such as shelling groundnuts, but such services require, amongst other things, a suitable organization with sufficient capital. The development of milling has not been entirely successful and many wouldbe millers went bankrupt; it has demonstrated both possibilities and difficulties of providing mechanical services.

Success in commercial farming depends upon more than technical ability to produce a surplus in excess of subsistence needs; the surplus must meet market requirements and must be predictable under all but extreme conditions; and it must be produced in a manner which provides an adequate profit. Success depends upon good management as well as technical proficiency.

Techniques can be learned relatively quickly and their application is repetitive, but matterrs of farm management are infinitely more complex and change in response to a wide range of variables. Good management depends not only on a knowledge of correct procedures in a given situation but also upon an understanding of all processes in agriculture from growing crops to marketing them, and from supervising labour to handling capital. It it essential that would-be commercial farmers should be trained in management, but problems of agricultural education amongst a largely illiterate population who speak a variety of dialects if not languages and whose most capable and well educated members have migrated elsewhere in search of work are enormous. Training cannot be separated from farming if only because the trainees must work for their living and, in any case, practical experience is as important as formal education. Teaching must therefore be done on each and every holding, and until producers become proficient management decisions must be made for them by advisory workers. Under such circumstances mass media cannot be substituted for personal supervision, and many skilled and highly trained extension workers are required for several years to set a relatively small number of Africans firmly on the road to success in commercial farming. Furthermore, a technically qualified staff is hardly adequate to meet the needs of the situation – it must be a dedicated staff and patience, tolerance, persistence and determination are necessary virtues.

Commercial production cannot, of course, be developed in the absence of a marketing system, and in the Eastern Province of Zambia marketing includes the operation of rural buying stations, the transport of produce to regional depots, grading, cleaning, fumigating, processing and storing products as necessary, and the packing and despatch of consignments to various consumers. The structure of the marketing services is complementary in many ways to that of production. For example, buying stations are closely spaced because most producers lack wheeled vehicles and very few indeed have motorised transport. Provision is made to purchase small quantities of crops (e.g. as little as 30 lbs of groundnuts or maize) because many villagers have only a tiny surplus for sale. Baling of tobacco is done at buying stations because many producers offer insufficient leaf of any one grade to make up a single bale and as yet none of them have the skill to pack leaf so that its quality does not suffer; consequently no producer has a press and other items necessary for baling. Marketing is undertaken directly by government departments or by government sponsored cooperative societies and in all cases marketing arrangements have been designed to foster production as well as to serve producers. Services have therefore been provided in all areas where produce is offered for sale whether or not each individual unit is economically viable, and generally the same price is paid for each commodity in all parts of the province. Marketing costs are distributed evenly, and producers in areas with low costs subsidise those less fortunately situated. This policy has much to recommend it, especially during the early stages of development, but it is open to abuse particularly when operated by cooperative societies which are frequently victims to parochial interests and prejudices. It is in the interests of all that marketing costs should be as low as possible and therefore some control over the proliferation of economically marginal services is necessary. This is particularly so in areas such as Zambia's Eastern Province which for the most part lack internal consumers for their products and are far removed from railways and ocean ports,

because marketing costs are so high that they largely determine whether or not it is profitable to produce a particular commodity. For example, in 1959 the Grain Marketing Board paid 36s. 9d. for each 200 lb bag of maize delivered to its depots but producers in the Eastern Province received only 12s. per bag; the difference of 24s. 9d. consisted of marketing and transport costs and a government levy of 3s. 3d. Similarly tobacco growers receive approximately half of the sum paid for their leaf on the auction floors because the rest goes to pay for marketing and other services. Ruthlessly efficient marketing is therefore essential, and quasi-welfare services should be provided at the expense of relatively well-placed producers only when price conditions clearly permit such luxuries; otherwise the general state of agriculture is likely to be depressed.

Agricultural improvement and the development of commercial farming such as that described above clearly cannot be obtained without continuous large-scale applications of capital and skilled workers to the problems involved. Nor can it be obtained quickly because progress really depends upon education in its broadest sense and education is a slow process. Investment and effort during the past twenty-five years have brought the Eastern Province of Zambia from the verge of destruction to the threshold of an agricultural revolution, and in recent years sales of agricultural produce have exceeded £500,000 per annum as the following figures show:

	£ 1962	£ 1963
Grounduts	503,178	538,153
Burley tobacco	37,626	112,290
Turkish tobacco	7,492	11,010
Maize	5,139	8,790
Vegetables and sugar cane ..	6,400	7,850
Rice	633	2,188
Other grains and pulses ..	1,590	2,169
Cotton	1,399	—
Cattle	36,350	12,644
Total	599,807	695,094

In 1963, however, agricultural sales provided an average income of little more than 30s. per head of the total population and there is obviously need for further development. Efforts are being made to increase the output of established crops, notably groundnuts and tobacco, and to establish cotton as a major cash crop. The production of beef and the development of mixed farming are being actively pursued too. Perhaps of greater importance is the drive to establish some larger holdings than the prevailing peasant farms and village plots (which average approximately sixteen acres and five acres of arable land respectively) and to bring more producers fully into commercial farming. Progress so far affords no room for complacency but does encourage further effort, and it would be unfortunate if development work should cease (and that of earlier years be undone) because sufficient capital and suitable staff were not forthcoming.

Agrarian Reform in Iraq: Some Political and Administrative Problems

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Introduction

'LAND TENURE,' wrote Fahim Qubain in 1958, 'is the human problem *par excellence* in Iraq. In one way or another, it lies behind most, if not all, of the social, economic and political problems of the country.'[1] Elsewhere, Miss Doreen Warriner suggests two definitions of land reform. One definition, restricted, defines land reform as the distribution of land among small farmers and agricultural workers. A wider definition would cover '*any* improvement in economic institutions.'[2] In this paper we shall be concerned with the narrower aspects of land reform in Iraq.

According to the results of the 1958-59 agricultural census in Iraq, the total area of all types of land, excepting *waqf*,[3] *miri sirf*,[4] and unsettled land, was 23,327,259 dunams,[5] distributed over 168,346 agricultural holdings. Thus the average size of the agricultural holding was 138.6 dunmas or about ninety acres. However, the average size of the holdings varied greatly from one province (*liwa*) to another – the largest, 946.8 dunams, in Kut *liwa* and the smallest, 14.9 dunams, in Basrah *liwa*. The census showed that there were 3,419 holdings of 1,000 and more dunams, these big holdings covering between them an area of 15,855,571 dunams. This meant that two per cent of land owners owned about 68 per cent of the total area of holdings.[6] The obvious inference is that the majority of the agricultural population did not own the land it cultivated.

The power of the small minority of landlords was so great and its influence so overwhelming that agrarian reform of any significance was out of the question. On the contrary, the monarchical regime of the day, reliant as it was on feudal landlords, justified its land tenure on efficiency grounds. The real issue against land reform was not however agricultural efficiency, but political expediency. As was pointed out, 'to dispossess the holders of land

[1] Fahim Qubain, *The Reconstruction of Iraq* (New York: Praeger, 1958), p. 80. See also Abdul Razzak al-Hilali, *nadharat fi islah al-rif* (Observations on Rural Reform) (Beirut: Dar al-Kashaf, 1950), pp. 20 ff.

[2] Doreen Warriner, 'Land Reform and Economic Development,' in Carl K. Eicher and Lawrence W. Witt (eds.) *Agriculture in Economic Development* (New York: McGraw-Hill Book Company, 1964), p. 272.

[3] Lands that are bequeathed for religious and charitable institutions.

[4] State lands.

[5] 1 dunam equals 0.611776 acres.

[6] Republic of Iraq, *Statistical Abstract, 1960* (Baghdad: 1961), p. 86.

titles . . . has so far been considered outside the sphere of practical politics.'[7]

Prompted by mounting internal criticism the government initiated, in 1954, a programme to distribute *miri sirf* (state) lands to landless peasants, retired army and police officers, retired civil servants and graduates of agricultural and religious schools. Farmers' ignorance, administrative bottlenecks and the lack of geniune urge for reform joined to frustrate the whole plan for land distribution and resettlement projects. A former member of the *miri sirf* Development Board (MSLD) summed up the administrative encumbrances thus:

> The MSLD administration was typically Iraqi; record keeping was voluminous yet inadequate to the growing needs of a large modern programme; chronological filing of official data, for example, made it virtually impossible to ascertain whether a given settler had received more than one grant, or indeed, to find out many of the facts needed for an intelligent programme.[8]

A Development Board was established in 1951 to put to constructive use Iraq's increasing oil royalties but once the Board had begun its activities, it became evident that it was concerned with building dams and water storage tanks, etc, and that the entire gamut of agricultural policy and reform were outside both its interest and its power.[9] Lord Salter, who conducted a study of the development programme in Iraq at the country's request, was to observe in 1955 that

> Agricultural policy, and the organization to give effect to it, have . . . had altogether inadequate attention and assistance. This indeed may be said, on a general review, to be the principal and most regrettable deficiency of development policy as a whole.[10]

While one would need to provide a social history to describe fully what was not done and what should have been done, we need to approach our topic with some awareness, however skeletal, of the agricultural system that prevailed prior to the 1958 revolution, and which made the Law for Agrarian Reform much overdue.

The Agrarian Reform of 1958

On July 14, 1958, the monarchical regime was liquidated and a reform-minded military dictatorship established in an army coup engineered by Brig. Abdul Karim Qasim,[11] and on September 30, 1958, in an attempt to widen its popular appeal, the new regime published the Law for Agarian Reform.

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[7] Stephen H. Longrigg and Frank Stoakes, *Iraq* (London: Ernest Benn, 1958), p. 119. The best available work on land reform in Iraq up to 1958 is Doreen Warriner, *Land Reform amd Development in the Middle East: A Study of Egypt, Syria and Iraq*. Second Edition. (London: Oxford University Press, 1962).

[8] Warren E. Adams, 'The Pre-Revolutionary Decade of Land Reform in Iraq,' *Economic Development and Cultural Change*, Vol. II, No. 3 (April, 1963), p. 281. The former president of the project pointed out that many farmers feared that if they applied for these lands they would be drafted. Hassan Muhammad Ali, *Land Reclamation and Settlement in Iraq* (Baghdad: The Baghdad Printing Press: 1955), p. 9.

[9] For activities of the Development Board until 1958 see the author's 'Development Planning under the Hashemite Regime,' *Journal of the Royal Central Asian Society* (forthcoming).

[10] Lord Salter, *The Development of Iraq: A Plan for Action* (Baghdad: 1955), p. 53.

[11] General Qasim's regime came to end with Qasim's execution on February 18, 1963.

The law limited the size of holdings, fixing the maximum area at one thousand dunams for irrigated land and twice that for land dependent upon rainfall. It stated that within five years all land in excess of this was to be confiscated, and it resolved that the confiscated land, in addition to State land, would be distributed in parcels of from thirty to a hundred and twenty dunams, according to its quality, to landless cultivators and small holders. The recipients of the land were then to join cooperative societies controlled by the Ministry of Agriculture which would organize the marketing of produce and supplies of seeds, equipment, irrigation and drainage canals, etc. At the same time the law established as the maximum rent to be paid to a landlord, ten per cent of the harvest (as compared with the previous rent – or share – of up to fifty per cent).

The objectives of the law, as stated on the eve of its publication, were liquidation of feudalism as a method of production and as a political force, creation of opportunities for the large peasant segment of the population to better their general social conditions, and increase of the agricultural produce of the country, and, subsequently, the national income. The law was to be implemented in three stages: first, confiscation; second, provisional administration under the Ministry of Agrarian Reform ; and third, distribution, with the supreme authority regarding all these phases to rest with a Higher Committee for Agarrian Reform under the chairmanship of General Qasim himself.

A. CONFISCATION

In 1958 Iraq had approximately 48 million dunams of cultivable land although no more than 22 million were actually cultivated.[12] Involved in the agrarian reform measure were 12 million dunams of state and privately-owned lands, which constituted over 50 per cent of the total cultivated area. This is indeed an impressive figure if one compares it with the agrarian reform in Egypt where only one million dunams, or one-seventh of the cultivated land, was involved.[13] Yet by the end of 1962 no more than 2.3 million dunams of private and state lands were subjected to the provisions of land reform. The number of landowners whose land was seized during the same period was 709[14]. Cumbersome procedure largely accounts for the slowness in which land confiscation was effected. One may see in the following description just how cumbersome this was.[15]

The Directorate General of Confiscation and Estimates of the Ministry of Agrarian Reform would prepare for the General Secretariat of the Higher Committee for Agrarian Reform a list of landlords who fell within the juris-

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[12] *al-Ahali* (newspaper), February 17, 1960. About fifteen million dunams are cultivated annually, the other seven million remain fallow. The discrepancy between these figures and those provided earlier in this paper stems from the fact that the system of land registration applied in Iraq is highly antiquated and inaccurate. In many cases data are based, at best, on heroic assumptions.

[13] Abdul-Saheb al-Alwan (former Minister of Agrarian Reform) in an interview with *al-Massaref* (Beirut), Vol. II, No. 25 (April 30, 1965), p. 38. Mr. Alwan estimated that by early 1965, 7,175,811 dunams were confiscated.

[14] Bank of Iraq, *Annual Report 1962* (Baghdad: 1964), p. 69.

[15] The procedures were described in *al-Akhbar* (newspaper) (May 9, 1961).

diction of the law, asking the Higher Committee to declare them as 'acknowledgers' (i.e., that their lands are subject to eventual confiscation). Upon receiving the list, the Secretariat General would seek to verify its accuracy with the *Tapu* (Land Registration Office) and with a number of other related agencies. When all this was done the Secretariat would submit to the Higher Committee for approval, a memorandum which contained all pertinent details in connection with the land to be confiscated. The memorandum was concurrently published in the Official Gazette permitting those involved to appeal. After the Higher Committee's approval had been secured the memorandum would go back to the Directorate of Confiscation and Estimates, which, in turn, would decide how much land from a certain individual would be confiscated, and this decision would also be published in the official gazette. The 'acknowledger' involved was entitled to petition within thirty days from the date of publication to the Court of Appeal for Agrarian Reform. The litigation in the court usually took a long time and the court's decision could be appealed to the Higher Committee which, in dealing with the court's decision, took into consideration the written opinion of the Directorate of Confiscation and Estimates. It should be noted that both the court's decision and the Directorate's written opinion had first to go through the Secretariat of the Higher Committee which was authorized to ask the court to reconsider its decision. In that event the Directorate General of Confiscation and Estimates would start the whole procedure all over again until the final approval of the Higher Committee was secured. The procedure for distribution, it might be added, was roughly the same as that for confiscation. However, for reasons to be explained later, the confiscation of land was nevertheless accomplished at a much faster rate than was its distribution.

B. PROVISIONAL ADMINISTRATION

During the period between confiscation and distribution, the confiscated lands rested under the jurisdiction of a newly created Directorate of Provisional Administration. The period of provisional administration was intended to be brief – it was estimated that a time span of five years would be required for the distribution of land – but the area which was brought under the control of the Ministry of Agrarian Reform was too vast for the actual administrative, organizational, and technical capabilities available in the Directorate. Further, the Ministry lacked the competent officials required to provide effective supervision over the cultivation of the land. The government was thus unable to fill the vacuum which the removal of landlords and their agents had created.

Since more land was confiscated than could be distributed, the government was forced to rent most of it to peasants until arrangements could be made for its distribution,[16] and as they were mere tenants rather than landowners, the peasants never established a real commitment to the land; they were apt to exploit it carelessly and they frequently left farming for urban work when there was opportunity. In addition, the renting of land added further burdens of land management to already unqualified and corrupt administration.[17]

[16] Alwan, *op. cit.*, p. 40, estimated that by early 1965, 7,058,376 dunams were rented to 216,089 families (equal to 1,080,440 people).

[17] *al-Ahali* (May 23, 1960) reported that the agrarian reform was 'confronting great difficulties because it is surrounded with corrupt conditions . . . and because of the misuse of authority by those in charge of its implementation.'

Failing to erect a workable new supervisory structure the Ministry of Agrarian Reform rehired the former landlords and landlords' agents (*sarakil*) as government agents, and as the former landlords confronted communist dominated peasants' societies innumerable conflicts ensued. Litigation in courts remained too long pending and by the time the court reached a decision the sowing season had passed.[18] The problems of peasant migration and of the decrease in agricultural production were sufficiently detrimental to Iraqi agriculture to warrant further examination.

The migration of peasants from the village to the city had been going on since the early fifties, but only when it became accelerated after 1958, did it become a serious problem. It had ample causes: the constant deterioration of conditions in the countryside, the higher wages in the city, the poor treatment of the peasants by the landlords, the transfer of landownership from the traditional tribe to the tribal sheikhs who eventually became absentee landlords, and the very poor social, health and educational conditions in the Iraqi village as compared to those of the city. And as soon as the farmers moved in sufficient numbers the migration had strongly evident consequences. It deprived the land of its workers with the result that land lay uncultivated, yield was reduced, and prices of produce rose sharply. It multiplied the number of workers competing for city jobs, increasing unemployment and pushing already low wages lower. The migrant peasant, because his needs were minimal, was satisfied with very low wages, and when the wages were not sufficient he was likely to put to work his wife and children. It swelled the already plethoric slums on the outskirts of the capital city impairing already poor sanitary conditions, spreading disease and encouraging prostitution and crime.

The law was intended to end the desertion of land, but as we have already seen, it aggravated it. And when the government failed to cure the malady, it resorted to administrative measures to suppress the symptoms. Thus on July 7, 1959, Qasim ordered the district governors to prevent the migration of any farmer who had previously received a loan from either the Agricultural Bank or the Ministry of Agrarian Reform.[19] In a further effort to relieve the pressure of the slums and stay the flight from the land,

> the revolutionary government offered the slum dwellers a plot of land and sufficient capital to start them off if they would return. On the appointed day blue cards (for staying) and yellow cards (for returning), were distributed. Although an overwhelming majority were said to have returned the yellow cards, no movement took place.[20]

As a result of many extemporaneous measures taken in connection with the agrarian reform, as a result of widespread migration, and because of consecutive droughts in 1960 and 1961, Iraq, which had been known as the granary of this part of the world, was compelled to import such subsistence commodities as wheat and rice. Indeed, it was necessary to import straw for use as animal fodder.[21] As Table I below paradoxically shows there was considerable decline in agricultural production particularly in the years that followed the introduction of land reform.

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[18] *al-Ahali* (August 24, 1960).
[19] *al-Ahali*, June 27, 1960.
[20] Phoebe Ann Marr, 'The Iraqi Village: Prospects for Change,' *Middle East Forum*, (November, 1959), p. 22. The migration of peasants to towns continued through 1963 in what local newspapers called 'frightening numbers.' *al-Fajr aljadid* (April 11, 1964).
[21] *al-Jumhooriya* (January 20, 1964).

TABLE 1

INDEX NUMBER OF AGRICULTURAL PRODUCTION

(1952-53 – 1956-57 = 100)

1957-58	1958-59	1959-60	1960-61	1961-62
126	105	99	101	108

Source: United Nations, *Statistical Yearbook*, 1963 (New York: Department of Economic and Social Affairs, 1964), p. 116.

In order to promote the production of these vital crops for consumption and industry, the Council of Ministers decided on March 22, 1961, to exempt all lands cultivated with cotton, summer and winter vegetables, beet, sugar cane, linseed, jute, peanuts and sunflower from the agricultural tax (*istihlak*) for three years.

C. DISTRIBUTION

Administrative and technical incompetence on the one hand, and political factors, to be explained later, on the other, made the distribution of land painfully slow.[22]

In order to heed criticism directed at months of inaction, unplanned and unprepared distribution of land took place. The land was not classified, nor were there schemes for irrigation or drainage. Factors which ought to have determined the size of plots distributed – such as 'proximity to cities, access to roads or to other means of produce transport, quality of soil, methods of irrigation and drainage, average production and its cost – were not taken into consideration. Even when the land was distributed, the recipients could do little without loans, seeds, fertilizers, waterpumps, drainage canals and marketing facilities, all lavishly promised but rarely produced. Supervision and means of finance had fomerly been provided by the landlord, but now the means of obtaining them from the ogvernment was encumbered by so much administrative red tape that they were virtually unobtainable. For example, the Higher Committee published instructions whereby every farmer was to receive a loan of 300 kilograms (675 lbs.) of wheat suitable for sowing. The loan was to be provided with the approval of a loan committee formed in every small district (*nahiya*) headed by the district officer (*mudir al-nahiya*) with an agrarian reform officer, an agricultural officer and an army officer as members, and, finally, the farmer was to provide a guarantor for the repayment of his loan.

Figures on lands actually distributed were, at least until the end of 1963, imaginatively inflated. For example, it was stated that by the end of August 1962, 2.8 million dunams were distributed.[23] Recent figures (Table 2) released by the Ministry of Finance appear to be more accurate.

[22] The first distribution occured almost five months after the law was published, more precisely on February 12, 1959, in Omara *liwa*.

[23] Bank of Iraq, *Annual Report* (1962) (Baghdad: 1964), p. 49. A communist source estimates the distribution for the same period at 386,000 dunams. See: Al Salti, 'Land Reform in the United Arab Republic, Syria and Iraq,' *World Marxist Review*, Vol. 8, No. 7 (July, 1965), p. 35.

TABLE 2

AREA OF LAND DISTRIBUTED UP TO 31st MAY 1965

(in Dunams)

Province (Liwa)	*State-Owned Land*	*Nationalised Land*	*Total*
Mosul	93,102	555,802	648,904
Kirkuk	205,860	20,355	226,215
Sulaimaniyah	14,680	19,067	33,747
Baghdad	41,154	124,701	165,855
Kut	108,967	336,150	445,117
Hilla	81,360	113,953	195,313
Diyala	64,417	18,532	82,949
Diwaniya	—	57,586	57,586
Kerbala	1,790	9,625	11,415
Amara	—	11,156	11,156
Ramadi	—	6,226	6,226
Basra	3,866	—	3,866
	615,196	1,273,153	1,888,349

Source: By courtesy of the Ministry of Planning.

The Iraqui Communists and the Agrarian Reform

When the Ministry for Agrarian Reform was established, a communist sympathizer, Muhammad Mahdi Kubah, was installed at its head. Any analysis of the failure of the reform under the Qasim regime must consider the communists' attitudes concerning the whole issue of agrarian reform, not only because their influence reached its peak at that period, but also because Kubah had appointed members of the Iraqi Communist Party to the most important policy-making positions in his ministry.[24]

Immediately after the revolution of 1958, Zaki Khairi, one of the top leaders of the newly-emerged Iraqui Communist Party and its expert on agrarian problems, submitted a memorandum to the Higher Committee on Agrarian Reform demanding 'comprehensive radical reform [which] means the land for the tiller, i.e., every peasant holds the land which he actually cultivates at present or is capable of cultivating . . . , in other words the land should not remain as a means of exploiting the work of others; it means the abolition of large land ownership and the land-rent based on this ownership.'[25] These demands, it was stated a little later, 'represented the interests of the peasants and was defended by the representative of the 'popular toiling masses and supported by all loyal patriotic forces [i.e., communists]; for this solution was the only way to liberate the production forces in the countryside, uproot the feudalist system, release the creative potentialities of the peasants, raise

[24] An excellent analysis on the role of communists in the agrarian reform of Iraq is Roni Gabbai, 'hacomunistim ve-hariforma ha'agrarit be-Iraq,' (The Communists and the Agrarian Reform in Iraq) *Hamizrah Hehadash* (Jerusalam) Vol. 11, No. 1-2 (1961), pp. 21-37.

[25] *Ittihad ash'Sha'b* (Organ of the Iraqi Communist Party), (November 4, 1958).

their living standards and open the way for the industrialization and progress of the country.'[26] These demands were said to be opposed by the 'right wing of the bourgeoisie' and other 'reactionary forces' and, thus, what emerged was a 'middle solution,'[27] which the communists 'halfheartedly' accepted.'[28]

The communists raised a number of objections concerning the Law for Agrarian Reform, most important of which was the implicit objection to any distribution of land to the peasants, since these lands would be needed they said, for the final solution toward complete state ownership.[29] They claimed that the law was 'completely silent' about 'the confiscation of lands of the traitors, the principle followed in most revolutionary cases.'[30] They also claimed that the law did not 'provide for the liquidation of the landlords as a class,' and indeed only expropriated some 45 per cent of their lands.[31] Similarly P. Demchenko, Pravda's correspondent in Baghdad says that these landlords would be 'left with comparatively large holdings and maintain their previous strong positions in the agricultural economy.'[32]

In spite of their objections, the communists accepted the law because it was 'the severest blow at feudalism and its prestige and the best stimulus and impetus – after the revolution itself – to the peasant movement' and because it placed in the hands of the peasant 'a legal weapon which was necessary for the mobilization and organization of the widest masses in the countryside . . . . The organization of the peasants' associations,' [societies] they said, was 'the most important achievement in this respect and [was] the greatest direct fruit borne by the promulgation of the law.'[33]

The continued unsettled difficulties connected with rapid confiscation and slow distribution prompted an increasing number of peasants to leave their land, thereby creating a breakdown in the entire agricultural sector of the country. The problem was further aggravated and there was increased violence as the Communist-dominated peasants' unions attempted to mobilize the peasants for political activity.

As the honeymoon between General Qasim and the Communist Party was coming to an end towards the end of 1959, and criticism was mounting against the party's obstruction of the agrarian reform, Zaki Khairi was forced to make 'ideological adjustments.' In an article published in early 1960, Khairi denied claims that communists oppose individual distribution, and affirmed that:

'1. [Communists] support individual peasant landholding during the bourgeois democratic-revolution. This is the character of the current revolution

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[26] Muhammad Hussain abu al-Iss, 'The Agrarian Revolution in Iraq,' *Iraqi Review* (A weekly English Supplement to *Ittihad al-Sha'b*), Vol. I, No. 14 (September 17, 1959), p. 5.

[27] *Loc. Cit.*

[28] Zaki Khairi, 'Report on the Agrarian Reform,' *Iraqi Review*, Vol. I, No. 29 (April 27, 1959), p. 9.

[29] From a tactical viewpoint, the Communists may have concluded that delay in distribution would increase discontent among the peasants, thereby increasing their drive for membership recruitment among the malcontented.

[30] al-Iss, *op. cit.*, p. 6.

[31] A. Yefremov, 'Agrarian Relations in Iraq,' *Problemy Vostokovedeniya*, No. 5 (1959).

[32] *Sovremenay Vostok*, No. 2 (1959).

[33] Zaki Khairi, 'Report on the Agrarian Reform,' part IV, *The Iraqi Review*, Vol. I, No. 30 (May 16, 1960), pp. 13-14.

in Iraq, for it corresponds to the production relations in this stage which are bourgeois capitalist and not socialist relations.

2. The peasants themselves want individual property of the land and we have no will other than that of the peasantry.

3. Individual peasant landholding is a progressive step from the point of view of historical development compared with feudal property, i.e., large landed property.

4. Individual peasant landholding in no way bars the establishment of any form or another of cooperative farming which is not socialist in character, but progressive, bourgeois, based on peasant private property of the land.'[34]

Significantly one of the main features of the Agrarian Reform Law had been the establishment of farmers' cooperative societies which were to replace the landlord and his supervisory role. While, as Khairi stated, the communists in charge of the Agrarian Reform Ministry did not directly oppose this, they were more interested in 'Peasants' Societies' (unions)[35] for mobilizing political support than they were in cooperatives which would retain what they considered as capitalist methods of production. Consequently, cooperatives received little attention during the Qasim regime. By the end of 1963 there were no more than sixty actually set up.

Summary and Conclusion

Five years ago the organ of the socialist National Democratic Party in Iraq concluded that agrarian reform had failed – that its failure was 'visible for every citizen to see.'[36] Three years later the Minister of Agrarian reform reached a similar conclusion.[37] The reasons behind the reform's lack of success are numerous, but by no means exhaustive:

First, the rate of land confiscation was much higher than that of land distribution. Large tracts of lands were brought under the jurisdiction of the Provisional Administration which lacked adequate machinery for their control and supervision.

Second, the farmers, tired of inflated and unfulfilled promises, intensified their migration from the land to the cities.

Third, highly complicated procedure governed land confiscation, and more so, land distribution.

Fourth, experienced, competent and technical administrative staff to undertake the vast amount of work required for effective agrarian reform was lacking.

Fifth, wide corruption existed at all phases of the reform, and the peasants remained distrustful of their government. 'Their continued distrust,' com-

[34] *Ittihad al-Sha'b*, February 26, 1960.

[35] The law setting up peasants' societies was promulgated on May 11, 1959. Interestingly enough, *Izvestiya* (April 17, 1959) said that the Iraqi government had not given its official permission for the formation of the peasants' societies, but it was not preventing their activity. Demchenko in *Pravda* (April 10, 1959) spoke of the 'very great activity' of the peasants' societies in southern Iraq, resolved to assist the implementation of agrarian reform. *Ittihad ash-Sha'b* (April 14, 1959) claimed that 145 peasants' societies, representing 185,000 peasants, were organized and waiting for enabling legislation.

[36] *al-Ahali* (December 6, 1960).

[37] Abdul-Saheb al-Alwan as quoted by *Iraq Times* (November 28, 1963 and again April, 6 1964).

mented an observer of the scene, 'was not unfounded since the government official who controlled the distribution of irrigated water still required a bribe to fulfil his duty.'[38]

Sixth, partisan activities in the Ministry of Agrarian Reform created unnecessary conflicts and generated mistrust in its intentions.

Seventh, the much needed cooperatives failed to materialize.

Perhaps behind all these problems lay the unstable nature of the government, a condition too large to explore here but too relevant to escape mention – for a government which is struggling for its very existence is apt to turn more attention to its preservation than to general reforms.

In summary, the agrarian reform in Iraq met with considerable difficulties, most non-economic in nature, which inevitably impeded the effectiveness and, ultimately, the utility of the Agrarian Reform Law.

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[38] John L. Simmons, 'Iraq: Problems of Agrarian Reform,' *Middle East Forum* (November, 1963), p. 31. See also *al-Ahali* (May 23, 1960).

A Note on the Practical Use of the French Voting System in the First Bechuanaland Elections

By George Winstanley
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One of the accepted constitutional proposals for Bechuanaland embodied in a White Paper presented to Parliament by the Secretary of State in June 1964 was the creation of a Legislative Assembly, to replace the Legislative Council, the elected members of which would be elected on a basis of universal adult suffrage and a simple common roll system. Thirty-one constituencies were delimited, and four political parties contested the elections plus one independent candidate. Voting took place on 1st March, 1965.

Polling

As there had never before been an election based on universal adult suffrage and conducted by secret ballot in Bechuanaland, any voting system introduced would have been new to the people. This was an advantage in one way because it was possible to draw heavily on experience gained in other countries to try and evolve a system which appeared to be best suited to the needs of Bechuanaland.

A factor which influenced the choice of the system eventually adopted was that it had to be suitable for voting in multiple member constituencies. The constituencies delimited for the election to the Legislative Assembly were all single-member constituencies but it was anticipated that the same voters' rolls would eventually be used for Local Government elections and it was apparent that some local government constituencies would be multiple-member constituencies.

The voting procedure adopted was one which was based on a procedure used in the former French colonies which, it is reported, were commended by the Federal Commissioner of Elections in Nigeria in 1959[1]. The procedure evolved in Bechuanaland involved the use of numbered envelopes and coloured voting counters.

Each person applying for a vote was required to produce his voter's registration card to a polling official at the polling station in respect of which he was registered. Polling officials worked in pairs. The first polling official took the registration card and by reference to the number on it quickly located the voter's name on the election roll. He then crossed the voter's name off the election roll, entered the date on the registration card, initialled it and returned it to the voter. He next took an envelope measuring $3\frac{3}{4}'' \times 2\frac{1}{4}''$ (these envelopes were in fact Tudor Manilla Seed Packets which cost 10s. per thousand; the envelopes were overprinted and bore a coat of arms and a number). He entered the number of the envelope against the voter's name on the election

[1] *The Kenyatta Election: Kenya 1960–61* by Bennett and Rosbery.

roll, stamped the envelope with the official stamp and passed the envelope to the second polling officer at the table. The voter then passed along to the second polling officer and was handed the envelope and as many counters as there were candidates for election each counter having the voting colour of a particular candidate. These counters were made of thin cardboard and were about the size of a half penny. The voter was then directed to a polling booth in which were displayed posters setting out the name, symbol and voting colour of each candidate (similar posters were displayed on the outside wall of the polling station). The voter then recorded his vote by putting into the ballot envelope the counter having the voting colour of the candidate for whom he wished to vote. He then sealed the envelope and put the discs he did not wish to use into a discard box in the polling booth; the discard box was so constructed that counters could be inserted but not removed or seen unless the seals on the box were broken and the box opened. The voter then left the polling booth and dropped the ballot envelope into a ballot box placed in front of a polling official.

The votes were counted in the following way. The sealed ballot boxes containing the ballot envelopes were brought from the various polling stations to the central returning office for the constituency. After verifying the ballot envelope accounts the returning officer mixed together all the ballot envelopes found in the ballot boxes for that constituency. Each envelope was then opened – it should be mentioned that the number of the envelope was printed in the centre so that it was less likely to be obliterated when the envelope was opened. After opening the envelope the counting official took out the counter and, with an ordinary office stapler, affixed it to the face of the envelope and put the envelope into a separate receptacle according to the colour of the candidate. The envelopes in the various receptacles were later counted.

The Results

The ballot envelope voting system proved to be a success. Only about 1.5% of the total votes cast were rejected. This indicates that the system was not too complicated for the people to follow. The overwhelming majority had never voted by secret ballot before. It might be mentioned that approximately one third of the votes rejected were so dealt with because polling officials forgot to stamp the envelope with the official mark – hardly the fault of the voters.

The voting system did not lead to undue delay in the polling stations. Voters were usually handled at the rate of slightly under one per minute but in some polling stations when voting was at its peak, 70 – 80 voters per hour were being handled by polling teams consisting of two polling officials each. The polling stations were staffed on the basis of approximately two polling officials per five hundred registered voters and nine hundred and forty-seven polling officers were appointed at the two hundred and seventeen polling stations. At most polling stations voting was virtually over by two or three o'clock in the afternoon – the majority of stations opened at six o'clock a.m. and closed at six o'clock p.m., but some opened at six-thirty o'clock a.m. and closed at six-thirty o'clock p.m. and others opened at even o'clock a.m. and closed at seven o'clock p.m.

Another advantage of the ballot envelope system was that many mistakes

could be detected before the voter left the polling station. Naturally when a voter had put more than one or no voting discs in the envelope his mistake could not be detected but a voter who came out of the polling booth with no envelope could be asked where his envelope was. Some had left them lying on the table in the polling booth and were sent back to collect them. Others had discarded the envelope in the discard box inside the 'polling booth – in such cases the spoilt vote procedure was followed and the voter was issued with another ballot envelope and set of voting counters, a suitable endorsement being made against his name on the election roll.

Perhaps the most satisfactory feature of the ballot envelope system is that the actual ballot box is never out of sight of polling officials and therefore the opportunities for tampering with it are greatly reduced. Nobody is permitted to put more than one ballot envelope in the ballot box so there is little profit to be derived from 'buying' votes (in Bechuanaland the regulations were so framed that when two or more counters of the same colour were found in a ballot envelope during counting they were treated as being one counter of the same colour). In addition interference with the ballot box during its passage from polling station to counting centre is made difficult; if the ballot box is opened one is confronted with a lot of sealed envelopes and there is no way of telling the colour of the counters in the envelopes without opening them. Admittedly one could load the vote by opening the box and putting in forged or illegally acquired envelopes containing forged or illegally acquired voting counters, but this operation would be more difficult to accomplish than merely destroying ballot papers in a ballot box or transferring such papers from one ballot box to another.

The counting of votes under the ballot envelope system as adopted in Bechuanaland is however rather tedious. Stapling the counters to the envelopes takes time and it means that the ballot envelopes have to be handled three times – to verify the ballot envelope account, to open them and extract the counters and to actually count the votes. However in the Bechuanaland elections this was not a major drawback, as in no constituency were more than 7,000 votes cast.

The Judicial Role of Basic Democracies in Pakistan

By SALMA OMER

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THE system of Basic Democracies comprises four tiers of local councils. The most important tier is the grassroot body known as the Union Council. The union council is an elected body, one representative being elected from a constituency of 1000 to 1500 people. Ten such members form a union council, which thus represents a population of 10,000 to 15,000 people and covers at times five to seven villages and at times only two or three villages. The chairman is elected from among these members. The term of the council is five years but the chairman can be removed by a two-thirds majority if he loses the confidence of the members.

The functions of the union council, are

(*a*) Developmental
(*b*) Municipal
(*c*) Judicial
(*d*) Constitutional
(*e*) Administrative

In this paper we shall discuss the judicial functions only[1]. The judicial role of the union council becomes operative through two legal enactments,

(*a*) The Conciliation Courts Ordinance, 1961, and
(*b*) The Muslim Family Laws Ordinance, 1961.

The Concillation Courts Ordinance, 1961

In the rural areas, before the promulgation of the Basic Democraries Order 1959, judicial and executive roles were vested in one government official. The *tehsildar* at the *tehsil* and deputy commissioner/magistrate or sub divisional officer at the district were vested with both magisterial functions and law and order functions. The first court of access for the villagers in some cases was that of the *tehsildar* and then of the deputy commissioner. The right of appeal to the High Court and Supreme Court was provided.

Alongside this complex legal structure, complete with its ramification of litigation, exorbitant expenses and false witnesses, there existed the prevalent informal judiciary known as the *panchayats*. Before the advent of the British regime these *panchayats* were organised bodies, representing village leadership and other powerful interests, capable of pronouncing judgment when

[1] For the historical background see two Articles by Mr. Habib-ur-Rahman and Professor L. F. Rushbrook Williams entitled 'Basic Democracies as Institutions of Local Government in Pakistan' in *Journal of Local Administration Overseas*, October, 1962. Both these Articles mentioned, but did not discuss, the arbitration power of Union Councils in local disputes.

there was a conflict of interest. Not only were they able to arbitrate and pronounce a person guilty or not, but they possessed a mechanism for implementing their decisions, which was perhaps more powerful than the elaborate legal mechanism. They resorted to social boycott and ostracism if the mandate issued by them was not carried out. So effective were such social and economic sanctions that the question of deviating from the ordained path ordinarily did not arise.

This well knit, organised pattern of judiciary became redundant when the more complex legal pattern was introduced in British India and was later inherited by Pakistan. However, a loose, flexible system still prevailed and the village elders continued in their informal manner to adjudicate between conflicting parties. Though it was not possible for them to impose economic sanctions, the social pressures were sufficiently strong for a dispute to be resolved to the satisfaction of both the parties.

The legal recourse through the office of the deputy magistrate was a long-drawn process. It made the simple villager dependent on those who could read and write. The legal terminology and ramifications were beyond his comprehension. He was thus at the mercy of the village tout, the intermediary between him and the lawyers or on the lawyer himself. Besides, this system was time consuming. It involved a lot of litigation and litigation meant expenses. Expenses were also duplicated as the court of the district commissioner was far removed from the locale of action, the place where the actual dispute had arisen. In other words, the poor farmer had not only to bear the expenses for legal remedy, grease the palms of the small and big government employee, but also to take time off and not till his soil or reap his harvest. His expenses grew manifold, as a case once placed before the court took years for a final decision. This delay was on many occasions inevitable. The scene of action, as discussed earlier, may have been a village far removed from even a police station. By the time the agents of law and order would arrive at the scene all circumstantial evidence was removed. The agents of law and order are also at a loss as none of the citizens would be willing to give evidence or stand as witnesses. The mind of the villager works on one pattern; the conflicting parties belong to the village, whether they are right or wrong. The police are an outside entity, they do not belong to the village, they are alien, foreign and strange. All persons foreign to the village are suspected; they should be resisted and hence no evidence should be given. This logic permeates the entire thinking of villagers and governs their pattern of behaviour. The result is that the police find it extremely difficult to lay their hands on the culprit. But once the case comes to the police, it has to be handled. The police may bring fresh evidence from persons who are in disrepute in the village. By the time the case is brought before the deputy commissioner it has grown out of all proportion, a minor matter may have been exaggerated, other extraneous matters may have been introduced, and certain vested interests may have taken advantage to feather their own nests. The district commissioner can only pronounce judgment on the case as presented to him. He cannot tell what has happened at the local scene nor judge the proportions the case has assumed by the time it has been presented before him.

When the basic democracies were introduced in Pakistan an endeavour was made to bring everything close to the people and to their level of understanding. Administration was decentralised; the concept of development, meant

development at the village and union level; the constituency for elections was restricted to 1000 to 1500, again close to the people, and the judiciary therefore also had to be close to the people. The rationale was the same, the people could operate that which they could understand; they could understand that which was near to them and had a bearing on their life. With these objectives in view the Conciliation Courts Ordinance 1961 was promulgated.

The Conciliation Courts Ordinance 1961 states clearly the type of case that can be decided by the Conciliation Courts. It gives the composition of such courts, the powers they possess and the procedures that they adopt for disposal of the cases.

The Chairman of the conciliation court is the chairman of the union council, while the two contending parties are represented by two persons each, one of whom should be a member of the union council or town/union committee.[2]

A number of civil and criminal cases fall exclusively within the jurisdiction of the conciliation courts. They cannot be tried in any other court. Another Schedule in the Conciliation Courts Ordinance gives the type of cases that may be brought before the conciliation courts if both the contending parties so desire. Civil cases that fall within the exclusive jurisdiction of the conciliation courts include suits for the recovery of money due on contracts, receipts or other documents, recovery of movable property, suits for compensation for wrongfully taking or damaging movable property and for damage by cattle trespass involving a sum up to Rs.500 in the case of union councils and Rs.1000 in the case of town and union committees.

The criminal cases in the schedule include offences under the following sections of the Pakistan Penal Code: section 141, unlawful assembly to commit mischief or criminal trespass; section 146, rioting; section 321, voluntarily causing hurt; 340, wrongful confinement; 352, assault or criminal force otherwise than on grave provocation; 403, criminal misappropriation of property; 405, criminal breach of trust; 415, cheating; 420, cheating and dishonestly inducing delivery of property; 425, mischief; 427, mischief causing damage to the amount of Rs. 50; 429, mischief by killing or maiming cattle of any value or any animal of the value of Rs. 50; 508, act caused by inducing a person to believe that he will be rendered an object of divine displeasure; 509, word, gesture or act intended to insult the modesty of a woman. Certain sections of the Cattle Trespass Act 1871 are also included, such as section 24, forcibly opposing the seizure of cattle or rescuing the same; section 26, damage caused to land or crops or public roads by pigs, cattle, etc.

The foregoing sections covering the civil and criminal aspects are a clear indication that only such incidents have been placed under the jurisdiction of the conciliation courts as are of common occurrence in rural areas and can be decided through goodwill and understanding. It may be borne in mind that the main emphasis of these courts is not to give a verdict declaring one party wrong and the other right. Rather the entire effort is to bring about reconciliation between the contending parties in such a manner that the hatchet may be buried and the two parties may not take home with them any feelings of hostility and bitterness. In cases when recourse was had to the existing judicial system the two parties often harboured malice and hostility which

[2] Town union committee is the equivalent of the union council. Union committee is the term used in urban areas.

found an outlet even when the case had been decided in the court, thus embittering social contacts amongst the various members of the extended families of the two contending groups.

The cases that fall within the optional jurisdiction of the conciliation court are as follows:

Criminal cases: section 324 of the Pakistan Penal Code, voluntarily causing hurt by dangerous weapons; section 335, assault or criminal force with intent to dishonour a person otherwise than on grave provocation; 378, theft; 410, stolen property; 430, mischief to irrigation works or by wrongfully diverting water; 498, enticing or taking away or detaining with criminal intent a married woman; 499, defamation.

The conciliation court does not have power to pass a sentence of imprisonment or fine, except a fine for contempt of court, but may order the accused to pay the aggrieved person compensation, which however may not exceed RS. 250, unless the offence is one punishable under sections 428 or 429 of the Penal Code, in which case the amount of compensation may be up to Rs. 500.

Civil cases: the conciliation court has the power to order delivery of property to the person entitled thereto or to order payment of money up to Rs. 500. in the case of union councils, and Rs. 1000 in the case of town union committees, if the case is one of compulsory jurisdiction and up to Rs. 10,000 if the case is one of optional jurisdiction.

If the monetary compensation payable under the order of the conciliation court is not paid within the prescribed time, it will be recoverable as if it were arrears of land revenue.

A conciliation court has jurisdiction to try a case only when the parties to the dispute ordinarily reside within the limits of the union in which the offence has been committed, or the cause of action has arisen. It may summon witnesses.

The decision of a conciliation court is final and binding on the parties if the decision is unanimous or by a majority of four to one. But if the decision is by a majority of three to two any party so desiring (in a compulsory jurisdiction case) may within thirty days of the decision prefer an appeal to the district commissioner, if the case relates to a criminal matter, and a district judge if the case relates to a civil matter. If the case falls in the optional category and the decision of the conciliation court is not unanimous, the court must issue a certificate stating that conciliation has failed, but if a case has once been decided by a conciliation court no court may try it again. The conciliation court may however itself forward a case to a criminal court for trial if it feels that the ends of justice demand the infliction of a penalty on the accused. Legal practioners have been debarred from appearing on behalf of any party to a dispute before a conciliation court or before the deputy commissioner or other authority exercising powers under the ordinance.

An analysis of the sections of the Penal Code which fall under the compulsory jurisdiction of the conciliation courts shows very vividly that the endeavour of the authors of this ordinance is to place under the jurisdiction of the conciliation court only those acts of misconduct which are of common occurrence in village life and can be resolved if certain village elders act as intermediaries. As has been said already, these very simple cases can be magnified and other extraneous issues can be added when they are brought

before the ordinary courts of law and lawyers become involved. Another point worth noting is that the conciliation courts do not have the authority to levy fines, except in the case of contempt of court. This device prevents the chairman of the conciliation court from indulging in malpractices. The provision that all fines and monetary obligations can be collected as arrears of land revenue further enhances the prestige of the conciliation courts and makes their decisions binding and effective.

The Muslim Family Laws Ordinance, 1961

The other judicial responsibility entrusted to the union council of the basic democracies is that of implementing the Muslim Family Laws Ordinance 1961. To understand the significance of this ordinance it is necessary to give its historical context very briefly.

The religion of Islam 1300 years ago bestowed certain privileges upon women professing this religion. Certain rights of a woman to hold property and to adjust her marital relations etc., were also propounded, which were in complete contrast to the very servile position to which women were relegated in Arabia before the advent of Islam. Polygamy was rife amongst the Arabs when Islam came into being. Islam, as a very practical and realistic religion, limited the number of women a man could marry and laid down such difficult conditions that it was not easy for a Muslim male to take a second wife. To discuss the rationale of polygamy, as practised and upheld by Islam, is perhaps beyond the scope of this paper: it may suffice to say that Islam laid down very clearly,

(*a*) the circumstances in which a Muslim man could marry again;
(*b*) the reasons for which a Muslim male could divorce his wife and vice versa;
(*c*) the provisions that must be made for the divorced wife and for the maintenance of the children until they are old enough to be taken by their father.

Unfortunately as time elapsed Muslim men lost sight of all the conditions and prerequisites laid down by Islam for taking a second wife and considered it their prerogative to take a second wife whenever they so desired. The number of Muslims taking a second wife, as pointed out by the famous orientalist, Arnold, is hardly 5%, but the fact remains that, as the conditions of maintenance of children etc. were not strictly observed, many social problems were created. In Pakistan a Muslim Family Laws Commission was set up in 1956, which after due deliberation came to very sound conclusions restoring to the Muslim women the rights and privileges that they possessed under Islam. Unfortunately because of opposition by a powerful and vocal section of the Pakistan community, which could have had a bearing on the forthcoming general elections, the recommendations of the Muslim Family Laws Commission were put in cold storage.

Following the declaration of martial law and the introduction of basic democracies, the women, who had all along been clamouring for these recommendations to be put into effect, once again took up the matter with the President. The President, himself a great believer in giving women their due rights as ordained by Islam, promulgated the Family Laws Ordinance 1961,

putting into effect the recommendation of the Family Laws Commission.

The salient requirements of the Muslim Family Laws Ordinance 1961 are as follows:–

(*a*) marriages to be registered;
(*b*) a Muslim who wishes to take another wife, while the first is alive, to seek the permission of the union council;
(*c*) an arbitration council to go into the question of the second marriage to determine whether the second marriage is necessary and just;
(*d*) divorce also to be regulated through the union council, which in the first instance is to try to effect a reconciliation;
(*e*) maintenance of children to be regulated;
(*f*) no girl below the age of 16 years to be married;
(*g*) the grand-children of a deceased son or daughter to have right of inheritance.

As in the case of the conciliation courts, the aim of the arbitration council formed under the Muslim Family Laws Ordinance is, in the first instance to bring about reconciliation between husband and wife, and, if such reconciliation fails and divorce is inevitable, to see that the divorced wife and the children are given maintenance for a specified period. The arbitration council is constituted within the union council when a case is referred, and is composed of the chairman and one representative each of the two or more parties involved.

The Conciliation Courts and Arbitration Councils at Work

This, then, is the scope of the judicial role of the basic democracies. The conciliation work of the union councils has attracted the attention of all visitors and scholars who have studied this aspect. The central observation team appointed by the President for evaluating the basic democracies system came to the conclusion that, even if the system may fail in all other functions, the tremendous success it has achieved in its judicial functions justifies its existence. However, when a question is put to members of a union council regarding conciliation work, they just shrug their shoulders and reply, 'well, we have always been doing this work; it is perhaps a bit more organised now'. This is perhaps the secret of its success; it is not a scheme thrust from above but just an enlargement of certain behaviour patterns of the rural people. It capitalises the respect villagers give to their elders. In a society where the advice and admonition of elders are not considered an interference in people's personal lives and where elders are supposed to be the repository of wisdom and experience, a system such as this has more chances of success.

An assistant district commissioner of a very backward area stated that when cases are brought to a court of law and a decision is given, there is no surety that the hostility between the parties has ceased. On the contrary, the hostility continues sometimes for two generations, each party trying to find a way of inflicting injury and insult on the other party. In the conciliation court the entire outlook is different. The environment is that of a group of elders trying to give a patient hearing to both parties, admonishing one, perhaps patting the other on the back, advising both to behave themselves, to consider whose sons and daughters they are. Would not their fathers and grandfathers in

heaven be ashamed of their behaviour? Should they not be good neighbours? Does not Islam disallow such actions and are they not incurring the displeasure of God by so behaving? Is not the life of the Prophet a clear indication of how we as Muslims should forgive even our worst enemies, etc., etc.? This is how the discussion in these courts proceeds, an informal chatter, and the end result is that two parties embrace each other. Quite often a small party is held to announce the cessation of hostilities and the matter ends there and then.

A report on the conciliation work of Multan District has the following which is noteworthy and shows the spirit pervading the whole system:

'It may be observed that the revisions filed against the decisions of the conciliation courts were insignificant. Quite a few cases were withdrawn or compromises achieved even *before* the constitution of the conciliation court. Out of 5988 cases which came to the union councils, 3300 of them were decided, and 66 per cent of the decisions were unanimous.'

Another study conducted by the Bureau of National Reconstruction, East Pakistan states, 'the conciliation court has provided the villager with cheap local justice and the fact that there have been only 17 appeals recorded in 2,227 cases shows that the decision of the courts has been almost always accepted without any demur by the parties concerned.'[3]

Another conclusion arrived at by the same study states:

'as a result of the conciliation ordinance, cases tried by class III magistrates have considerably decreased and those tried by class II magistrates have also registered a fall in incidence.'

The conclusive remarks of this study indicate the advantage that the basic democracies have over the legal system prevalent here in Pakistan, "although there is no clear way of proving this, the survey leads one strongly to believe that the conciliation courts have not only provided cheaper justice to the villager but also better justice. This is not any adverse reflection on the magisterial courts which, to tell the truth, have been performing very manfully in the circumstances. It only means that in a conciliation case the rights and wrongs are apt to be more correctly judged than in a magisterial case, on account of the fact that the court, being composed of local men, is usually fully informed about the character and antecedents of almost every person in the union. It is, therefore, very difficult for a dishonest man to pose otherwise as he could very easily do in the past before a magisterial court with the aid of glib-tongued lawyers and suitably paid witnesses. In a way, the conciliation court has brought about a very democratic levelling of the rich and the poor. The rich man no longer possesses the advantage that he had over the poor in the past by reason of his great wealth and the consequent capacity to produce more witnesses by dishonest means. The conciliation court generally knows the touts in the area and is therefore better able to deal with them than was the magistrate with the huge number of cases in his file. The union court has a much smaller number of cases before it than the magistrate had, and this enables it to devote more attention to the merits and demerits of each case."

Another study which is to be published shortly reveals the following:

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[3] Four Studies in Basic Democracies, Bureau of National Reconstruction, East Pakistan, p. 81.

Total criminal/civil cases in 1963-64 in 331 union councils.

	No. registered	*No. settled*	*No. unsettled*
Civil	7058	5994	1064
		85%	15%
Criminal	3267	2757	510
		84%	16%
Total	10325	8751	1574
		85%	15%

Analysing the cases that were not settled and in which appeals were made, it is indeed noteworthy that in 69% of civil cases and 66% of criminal cases the decisions of the union councils were upheld in the appellate courts.

In Karachi a major city of Pakistan, in a union committee selected at random, the following was noted:[4]

"In the year 1964, 92 cases were referred to the union committee, 27 cases were filed for obtaining a divorce, 15 cases were disposed of through reconciliation. In the rest both parties did not agree to a compromise and a failure certificate was issued by the union council and the parties referred the cases to a court of law.

11 cases of request for second marriages were received. In six cases the wives gave their consent and permission was granted; the balance were rejected as they were not in conformity with the Family Laws Ordinance.

42 other cases for conciliation were settled through conciliatory efforts."

Research and evaluation needed

The judicial role of the basic democracies is to bring justice to the door-step. The emphasis of the conciliation courts, it seems appropriate to reiterate, is on bringing about reconciliation and a compromise between parties. An approach which penalises one and sets free the other is not considered correct. Justice has thus become within the reach of the common man, within the reach of his understanding and is practically on a no-cost basis. The endeavour of the conciliation courts and that of the arbitration councils is to pave the way for a more homogeneous society and a more congenial family life. Experience had shown that approach to the courts with long-drawn legal processes had not only sapped the monetary resources of the village people but had also led to a disintegration of the society in which they lived. Hostility and bitterness did not end even when a case was decided. A case did not mean just two individuals at conflict with each other; rather it meant two families, not the nuclear ones, but the extended ones, which had at least members belonging to four generations. Very often these extended families were not the only ones to be affected; rather the entire tribe or '*Baradari*', as it is known, would be affected. Thus sometimes a very ordinary episode would lead to bitterness and active hostility for at least two to three generations, thus dividing the village and disintegrating its social life. Such practices sapped the moral fibre of the people and did not leave them any energy or interest to devote to more constructive pursuits or to develop mental endeavours. The judicial role of

[4] Record of the Union Committee, No. 3. Jacobdine.

the basic democracies seeks to bring about a sound order which is more conducive to, and can give people an opportunity of pursuing, a richer and a fuller life.

The basic democracies system is a new and a very valuable experiment by Pakistan. It is, however, necessary to watch this system very closely to determine its strength and weaknesses. It is essential that proper research and evaluation be carried out in order that any discrepancies may not mar the entire system. Unfortunately, the entire system, including the judicial role of the basic democracies, has not been studied in a scientific manner. In spite of the many potentialities that the conciliation courts possess, it is necessary to watch their progress very closely to determine the flaws and to seek new methods of making them more successful. If the basic democracies system as practised in the cities has not been very satisfactory, the same may be true of the working of the conciliation courts. The reasons are inherent in the system itself. The entire system is based on certain basic assumptions and those conditions do not exist in an urban situation. Discussion of the point is, however, beyond the scope of this article. It may, therefore, be concluded that though the conciliation courts have proved, in the rural areas specifically, very successful and have brought justice to the door-step, complacency may ruin the success achieved. This system needs constant vigilance and it is necessary that a mechanism be put into action by the Government to devise ways and means of further strengthening the entire system of basic democracies, including their judicial role.

The Study of Urban Africa

By William John Hanna
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The study of urban Africa is at the threshold. Generalizations and case studies are now available in sufficient quantity so that scholars can begin to investigate conditions, boundaries, and probabilities. Two recently published books[1] represent the level of work which has been completed and, both explicitly and even more so implicitly, indicate research needs.

It would of course be possible to review the Kuper and Little books conventionally. One would note, for example, that the former contains the papers which were presented at a series of interdisciplinary seminars at the Los Angeles campus of the University of California, and the latter is essentially an up-to-date summary of the author's previous publications on voluntary associations in Sierra Leone, Ghana, and Nigeria. However, it seems more important to engage the basic issues of the current state of knowledge and future research needs as these issues are reflected in the two books. Since the books devote primary attention to urban migration and the means by which migrants adapt to (and integrate within) the towns, it may prove useful to survey briefly our knowledge of these subjects, drawing upon the Kuper and Little volumes for evidence.

Urban migration is not a new phenomenon in Black Africa, a fact supported by John Fage and other contributors to the Kuper volume. However, research has for obvious reasons focused upon behaviour in the imperial and independence periods. Most of the causes of twentieth century urban migration, both seasonal and long-term, can conveniently be placed into one general and four specific categories. In general, it may be asserted that virtually all the specific causes of contemporary urban migration directly or indirectly stem from European intervention. Most African towns are the outgrowth of European settlements established to facilitate European trade and industry, and the administration of Africans. Horace Miner, writing in the Kuper volume, refers to the new towns as 'overseas outposts,' and Little, following Jean Dresch's 'Villes d'Afrique Occidentale' (*Les Cahiers d'Outre-mer*, 1950), expresses the same point this way: 'Though inhabited by Africans, it is largely the creation of Europeans.' It will be seen that the four specific categories which are used to group the causes of urban migration are linked with this more general one.

(*a*) The new infrastructures of African territories, largely built, financed, and/or inspired by Europeans, contributed to urban migration by offering attractions in the town and facilitating travel. Little notes the impact of the construction of new roads, railways, and public works. William Schwab's paper in the Kuper volume links the development of Oshogbo, Nigeria, as a centre for trade and commerce to the extension of railway and telegraph

[1] Urbanization and Migration in West Africa, edited by Hilda Kuper. University of California Press, Berkeley, 1965; pp. 227; $6.95. West African Urbanization: A Study of Voluntary Associations in Social Change, by Kenneth Little, Cambridge University Press, Cambridge, 1965; pp. 179; 15s. (A review of Hilda Kuper's book by Dr. Kenneth Little appears on page 144. Ed.).

lines to it from Lagos. Immanuel Wallerstein, also in Kuper, observes that the concentration of post-primary education in the towns served to attract students and psychologically uproot them. (As a corollary, Benjamin Thomas, in Kuper, emphasizes the primacy of the transportation functions of West African towns.)

(*b*) For some Africans, the urban milieu itself is *relatively* attractive. Just as Americans have sung about Paris, so Africans from the French-speaking countries bordering northern Ghana have said, 'Qui n'a pas ètè à Kumasi n'ira pas au Paradis.' In Michael Banton's report of his Freetown research, included in the Kuper volume, it is noted that the urban migrant is attracted to the town because of the possibilities for freedom and advancement. Little lists adventure and escape form the oppressions of village life among the causes of migration. Yet Kuper is correct that it is only with considerable uncertainty that we assert 'the city air makes one free' or that greater satisfactions can be achieved in the city.

(*c*) The African's need for money has grown dramatically since the coming of Europeans. Indeed, in some pre-contact African societies no form of money was employed. Europeans are responsible for the change in money needs in at least four basic ways: introduction of a new economic sub-culture, changing rural living conditions so that migration becomes more attractive (e.g., by lowering infant mortality thus increasing population pressure), imposing new external requirements (such as taxation), and creating new internal desires among Africans for what in the new way of life only money can buy. Because some Africans can be economically better off in towns than in rural areas, urban migration may be motivated by the perception of relative economic deprivation. When Elliot Skinner (reporting in Kuper) asked Mossi respondents why young men leave home to work, all gave an economic reason despite the fact that Mossi families do not encourage their youth to migrate in order to obtain work. Of course, economic opportunities are limited in the towns, but whatever the relative reality, the image of opportunities held by potential migrants is what matters.

(*d*) Urban migration is linked to norms in at least two ways. The first, which is in part looking at previous explanations for migration from another point of view, is that changing norms create new or intensified needs. Little notes that European intervention has 'created needs and aspirations impossible to satisfy in the countryside.' The second is that urban migration can become a norm in itself. An example would be the institutionalization of an urban rite of passage. Thus Little cites Jean Rouch's well-known study of migration, 'Migrations au Ghana' (*Journal de la Societe des Africanistes*, 1956), in support of the contention that the 'brand of the town' is sometimes necessary to win a girl.

Having migrated to a town, the African is subjected to the possibility of socio-psychological maladjustment. This is especially the case because the migrant has usually travelled geographically *and* culturally. Of course, Kuper is correct in writing that 'anonymity and individualism, often related to the breakdown of kinship ties, are not inevitable consequences of urban living.' On the other hand, the informal social controls predominant in rural Africa attenuate in the towns and the need arises for new or modified ways of adaptation and integration. These ways can be placed into a five-fold categorization.

(*a*) Ethnic ties remain – perhaps in modified form – even though an African has migrated to an urban area; indeed, as Kuper among others has pointed out, these ties may be reinforced. There are at least three ways in which ethnic ties operate: associating with members of one's own ethnic group, residing within ethnic clusters, and joining ethnic associations. Schwab demonstrates that in Oshogbo, the lineage is still a primary basis of solidarity, stability and control. Kenneth Little and Michael Banton both effectively show the importance of ethnic associations in immigrant adaptation and integration.

(*b*) There are two special types of 'ethnic' ties which must be noted. These are the result of structural opposition between African strangers and indigenes and among the various racial groups. Kuper argues that the dominant emerging cleavage in urban Africa today is between strangers and indigenes. And in the same volume, Banton indicates that the Freetown immigrant operates within a multi-layered set of oppositions, including Temne versus Mende (for example), tribesman versus Creole, and African versus European. Each opposition is the basis of a new pattern of interpersonal 'in-group' relations.

(*c*) A variety of adaptive and integrative non-ethnic ties develop in the urban community. The formation of these ties can obviously be a significant benchmark of an individual's emersion in modern urban society. A large part of Kenneth Little's book is devoted to an examination of non-ethnic associations, which he classifies as syncretist cult, mutual aid, recreation, Christian, and cultural. Together with the ethnic associations, they are said to represent 'the newly arrived migrants' response to urban conditions' and they play an important part 'in adapting traditional institutions and in integrating the new social system.'

(*d*) The elite of an urban area has an important function in linking the ethnically oriented immigrants to the larger community. S. N. Eisenstadt saw this clearly as the result of his studies in Israel. In the *American Journal of Sociology* he writes: "The elite performs a very important function as 'mediators' between the primary groups of the immigrants and the wider social structure .... the elites seem to influence the formation of the values and activities of the primary groups." This phenomenon is not explored in depth by Little or the contributors to the Kuper volume. However, Skinner does note that Mossi chiefs in what is now Ghana 'played an important mediating role between the migrants and the local population.'

(*e*) Much has been written about the unity-forging activities of African central governments, but the importance of local government in the adaptation and integration of urban migrants has been less exhaustively explored. During my own urban research in Nigeria and Uganda, it became clear that both the formal institutions of local government and the informal network of trans-ethnic influence contributed to community integration (see 'The Political Structure of Urban Centred African Communities' in *Urban Africa* edited by Horace Miner, forthcoming). However, power bifurcation and integration in most African towns have not yet been studied, and so it is difficult to assess their generality.

As previously noted, the Kuper and Little books are important contributions to the literature on urban Africa both for what they present and for what they do not. Kuper appears to be especially aware of the existing gaps. 'Not

enough is known of urbanization in general,' she writes, 'to enable the student of a particular city to determine what is singular or otherwise.' To this I would add that most persons who have studied African towns are provincial in the sense that they fail to take full advantage of either current developments in social science theory or the results of urban research in other parts of Africa and outside the continent. True comparative research is still in its infancy. The processes of adaptation and integration, for example, have been subjected to careful study by specialists in international relations, no less sociologists concerned with urban Amercia. Yet neither of these bodies of literature is tapped by Little or the contributors to the Kuper volume.

There is also a gap in method, and here again Kuper's comments are in point: 'The crucial problem is how to control comparison, how to isolate the variables, so that we can arrive at general explanations of the process of social growth.' The tragedy is that, for the post part, the means are *now* available to satisfy many of the requirements of the methodologist. Unfortunately, there is a belief that the methods of science, developed in Europe and Anglo-America, cannot fully be employed for the study of urban African phenomena. That is an empirical question and it should be tested.

Let me suggest by example the direction in which I think research must move. It is essentail to conduct systematic empirical studies of urban migration in order to know what are the primary cases and what are their relative weights. It is interesting to know that Africans migrate because of new infrastructures, the attraction of the urban milieu, economic advantage, and normative demands. But which under what circumstances? How do we specify the meaning of each so that reliable and valid measurement is possible? In 1956, A. L. Epstein wrote: 'As a field of study, African urbanism is still largely virgin territory, in which much of the preliminary spade-work has yet to be done.' Ten years have past and it can now be argued that much of the groundwork has been completed. Students of urban Africa can profit greatly from contributions such as those of Kuper and Little, but they must also go beyond by accelerating scientific study in their field.

'Twinning'—Broken Hill, Zambia, and Harrow on the Hill, England

By DAVID PRITCHARD
Mr. Pritchard is the Town Clerk of Harrow.

I HAVE read with great interest the Editor's comments on town 'twinning' arrangements in Editor's Notes contained in your issue of January, 1965.

Your readers may be interested to know that the London Borough of Harrow has 'twinning' arrangements 'in ties of friendship' with the Municipality of Broken Hill, in the Republic of Zambia. The unique feature of this particular town 'twinning' is that it sprang out of tragedy and human suffering.

The first contact occurred in October, 1958, when the then Mayor of Harrow (Alderman Mrs. I. M. Potts, M.B.E.) received the Deputy Mayoress of Broken Hill (Mrs. E. G. Hayes) and her son who were on holiday in the United Kingdom. They presented the Mayor with a letter from the Mayor of Broken Hill (Councillor A. K. Kemp) which extended to the Harrow Council greetings and good wishes from Broken Hill. The letter referred to the fact that the Deputy Mayor of Broken Hill (Councillor E. G. Hayes) who was born in Harrow, and extremely proud of the fact, was Joint Editor of the Broken Hill Observer, the first issue of which was that of 1st August, 1958. This was the first time in its history that Broken Hill had a local newspaper and we, in Harrow, did not overlook the fact that it bore a similar name to that of a long-established Harrow newspaper, the *Harrow Observer*. The Mayor of Harrow replied reciprocating the greetings from the Mayor of Broken Hill.

The first civic social-contact developed into something much deeper strengthened by a tragic occurrence in 1961. In November of that year, the brother of the then Mayor of Broken Hill (Councillor Jack Hopwood) was killed in a motor accident, his wife injured and their school-girl daughter, Frances, gravely paralysed. Indeed, Frances's injuries were so serious that they necessitated her being flown immediately to England, in the care of a doctor, for the highly skilled attention of the National Orthopaedic Hospital at Stanmore in the Borough of Harrow. The Town Clerk of Broken Hill (Mr. David Brooks, a former Town Clerk of Yorkshire's Richmond), wrote to me in the hope that I could arrange for someone to visit Frances, to relieve the loneliness of a young girl of 17 lying prostrate 6,000 miles from home. Mr. Brooks was assured that Frances would not lack kindness in Harrow; and sure enough, the then Mayor of Harrow (Alderman W. O. Allen, O.B.E., J.P.) and the Mayoress frequently visited Frances in hospital, as did my staff, my wife and myself.

The Mayoress of the two towns exchanged Christmas greetings and in thanking the Mayor and Mayoress of Harrow for their visits to Frances, the Mayor of Broken Hill said that Frances's mother and sister had been very affected by the kindness shown; and that Harrow, which had previously only been a name had now become for them a place of love, sympathy and understanding.

The Mayor of Broken Hill went on to say that the High Commissioner for Rhodesia and Nysaaland (who also had been to see Frances at Stanmore) wondered whether the existing link between the two Mayors might be the means of a 'joiner' between Broken Hill and what the High Commissioner referred to as 'Harrow on the Hill'. The old historic township of Harrow on the Hill is but part of the very much larger Borough (now the London Borough) of Harrow, but in both a physical and historical sense it dominates the Borough scene.

So the personal bond between the two Mayors began to work towards a Bond of Friendship between the two towns; and it was suggested that 'the twinning' might be manifested by an exchange of greetings and good wishes under the seals of the two Muncipalities.

On 26th January, 1962, the Council of the Borough of Harrow adopted the suggestion of the Mayor of Broken Hill for 'the twinning' of Broken Hill with the Borough of Harrow and instructed me to convey to the Mayor and people of Broken Hill the good wishes of the Council and Burgesses of Harrow and resolved that the Common Seal of the Corporation be affixed to that resolution and a copy forwarded to the Mayor of Broken Hill, all of which was duly performed.

The interest that the Mayor and other Members of Harrow Council and the Staff showed in the progress of Frances Hopwood never flagged during this period when she was continuing her treatment. The Mayor was able through the generosity of a local Charitable Trust Fund and with the help of Harrow Mayor's Charity Fund, to present Frances with the most modern electric wheel-chair for use when her treatment (she was about this time transferred to the Stoke Mandeville Hospital at Aylesbury) was sufficiently advanced. The Mayor of Broken Hill expressed his great appreciation of this gift.

In June, 1962, the Mayor of Broken Hill sent to Harrow the formal Instrument giving effect to the 'twinning' of the two towns which he said was but an outward and visible expression of the affection in which they held the Mayor and people of Harrow. This was the first association of its kind in the then Federation of Rhodesia and Nyasaland. There was a pleasing ceremony at the meeting of the Harrow Council on 28th June, 1962, when the Town Clerk of Broken Hill (Mr. D. Brooks) who was in England attending the exhibition, 'Broken Hill comes to Town', read to the Council the document to which reference has just been made, and which officially associates the two Boroughs in the following terms:–

'We the Mayor and Council of the Municipality of Broken Hill in the Federation of Rhodesia and Nyasaland in Central Africa in Council assembled this 28th day of February, 1962, with the Worshipful the Mayor (Councillor John Gordon Hopwood, J.P.) presiding, after approving the Report of the Town Clerk (Mr. David Brooks) of this date and his recommendations therein *do* with one accord adopt the proposal that the Municipality of Broken Hill and the Borough of Harrow in the County of Middlesex in England join in ties of friendship whereby the inhabitants of the Municipality and the burgesses of the Borough shall henceforth and for all time have special regard for each other *and direct* that this 'twinning' of the two towns be effected by Deed recording for all to read the forging today of a bond of friendship between the Municipality and the Borough and their inhabitants, present and future,

to be regarded as but the outward and visible sign of that Bond *we declare* that so far as in our power lieth we will both grasp and create opportunities for giving full effect to the bond so formed and the gratitude we here seek to express *recording* that this 'twinning' of the two towns in ties of friendship stems from the kindness of the Worshipful the Mayor of Harrow (Alderman William O. Allen, J.P.) and his Mayoress and the Town Clerk of Harrow (Mr. David Pritchard, M.A., B.C.L.) and his wife and their secretaries who, of their charity, visited Frances Hopwood the 17-year-old niece of the Mayor of Broken Hill in the Royal National Orthopaedic Hospital in their Borough on her admission there after being flown to England following a motor accident in Bulawayo, Southern Rhodesia, on the 2nd November, 1961 when her father was killed and her mother seriously injured and in which Frances sustained a fractured spine resulting in paralysis: they set in motion a cycle of visits to that hospital which they and their friends have unfailingly maintained from that time, so that Frances, 6,000 miles away in another country, knew that she was not among strangers but with those who loved and cared for her; we further record that, for the people of Broken Hill, Harrow has become a symbol of loving kindness in its most practical form and stands as a mark of the affection which we believe can exist between the peoples of two towns in different countries; we express our pleasure on learning that the Council of the Borough which incorporates ancient Harrow on the Hill has for its part cordially adopted the proposal for the 'twinning' of the Borough with Broken Hill as one way of enlarging municipal horizons in a shrinking world, manifesting the same by an Instrument under its Corporate Seal; we direct the Town Clerk to convey to the Worshipful the Mayor of Harrow and through him to the burgesses of Harrow an expression of the Good Wishes of the Council of the Municipality and the esteem in which we hold them and order that the Instrument giving expression to our wishes be read aloud at the Annual Meeting of the Council to be held on the 11th day of April, 1962, and that the Common Seal be affixed thereto in the sight of the company then and there assembled.'

Mr. Brooks, who accompanied by Mr. and Mrs. Hatch (the latter the daughter of the then Mayor of Broken Hill) and by Mr. Dimond, the Cultural Attache for Northern Rhodesia, said in his address to the Council that it was his Council's intention to name one of the main highways in Broken Hill 'Harrow Highway'; and he told us that Sir Roy Welensky himself who, until the dissolution of the Federation of Rhodesia and Nyasaland represented the Constituency of Broken Hill in the Federal Assembly, had asked to see copies of the document.

So much for the formal aspects of 'the twinning' arrangements but it may be interesting to your readers to learn in what diverse ways and how frequently the cordial relations between the two towns have developed. In the first place, we in Harrow have been pleased to welcome many visitors from Broken Hill. On 30th April, 1964, the then Mayor of Harrow (Alderman G. F. Gibbons, J.P.) was visited by Councillor Briam Nkonde, the first African Mayor of Broken Hill, who was attending a Conference at Geneva in his capacity as Director Designate of the Northern Rhodesian Health Service. His Mayoress, Mrs. Nkonde and their youngest daughter, Cordelia, aged three, joined him in Europe and were met at Gatwick Airport on Saturday 18th April, 1964, by the Mayor and Mayoress of Harrow at whose home they stayed the weekend.

They accompanied the Mayor and Mayoress to a number of mayoral functions and were shown over Harrow. Alderman Gibbons was disappointed that Mrs. Nkonde had not been able to arrive in England a day earlier so as to have been able to attend the Civic Banquet and Ball on the Friday evening. Photographs recording the visit of the Mayor of Broken Hill and Mrs. Nkonde were sent to Broken Hill.

Earlier in his Mayoral Year, Alderman Gibbons in July 1963, was visited by Councillor and Mrs. C. C. Patel, of Broken Hill. Councillor Patel was not only Chairman of the Estates and Amenities Committee of the Broken Hill Council, but was the Leader of the Asian Community in the whole of Northern Rhodesia. Councillor and Mrs. Patel were able to attend the Mayor's Garden Party and again many happy photographs taken during the visit were sent to Broken Hill.

Alderman Gibbons was also pleased to receive a visit from Mr. E. Hayes, the editor of the Broken Hill Observer, to whom reference has already been made, and soon afterwards was delighted to be able to send to Mr. Hayes his congratulations upon being awarded an M.B.E. in the New Year's Honours List.

Whilst hitherto the visits have been all one way, the present Mayor of Harrow (Councillor H. T. Mote, J.P.) informed the Council last month, that he and the Mayoress hoped during his year of office to visit Broken Hill.

Secondly, there have been many exchanges of greetings at Christmas time; on the occasions of Mayor-making; at Civic Banquets; indeed greetings pass between the two towns whenever there are any of the personal contacts here mentioned.

An unusual service which Harrow was able to perform for Broken Hill occurred in April, 1964. Broken Hill had advertised a vacant post for an additional Health Inspector and received an application from a candidate resident in Salford, Lancashire. Apart altogether from the fact that the Chief Health Inspectors of the two towns are old friends, we in Harrow were delighted to be able to accept the trust reposed in us by Broken Hill of interviewing this candidate on their behalf and appointing him if thought fit.

The applicant travelled from Salford to Harrow where he was interviewed, first by the Chief Public Health Inspector, and then by the Mayor of Harrow and myself, and duly appointed. He was then medically examined by Harrow's Medical Officer of Health and all Broken Hill had to do was to confirm and, of course, pay the candidate's expenses! What more practical way of applying the notion of 'twinning' can there be than that?

Quarterly Notes

UGANDA – *Urban Development*

Of considerable general interest for all developing countries are the 'Recommendations for Urban development in Kampala and Mengo' prepared for the Uganda Government under the U.N. programme of technical assistance. The Report (TAO/Uganda/1 of 31/8/65) is not an official document but a specially prepared paper.

Two aspects of this Report are of very particular importance and relevant to very many urban areas in Africa and elsewhere:

(1) *Chapter IV, Paras* 61-70, *Property Rating systems:*

The Report recommends:

(i) Valuation of each separately owned plot of land on a capital value basis.
(ii) Valuation of Improvements on a capital value basis.
(iii) Separate rating of land plots and improvements.
(iv) Differential rating, that on the land to be heavier than that on Improvements. Consideration to be given to possibility of penal rating where speculation obvious.
(v) Initial incidence of rates on land to be on owner or long-term lessee.
(vi) Initial incidence of rates on improvements to be on owner.
(vii) Rates clearance certificates to be produced in evidence before transfer of land plots registered.
(viii) Triennial revaluations, six monthly interim rolls for sub-divisions of land and new or altered Improvements.
(ix) No allowance for 'void' periods.

(2) *Chapter VI, Paras* 2 – 8 *and* 11 – 19, *Training:*

The following recommendations are made:

(i) To obtain full value from a Mission suitably prepared nationals should be recruited to work with visiting experts – 'personnel committed to careers and job assignments in the same field as that covered by the Missions. Only in this way will the full impact of a Mission be retained in a country'. The need for this to be planned well in advance of a Mission's arrival.
(ii) Long term objective should be to produce locally the top personnel required and aim to provide a pool of such officers when available.
(iii) Short term objective should be to make existing staff more efficient, to get rid of those who are ill-fitted and to assess at an early stage those fitted for promotion.
(iv) Need to appreciate there is a dearth of able finance officials – due, in part, to past error of thinking: a book-keeper is not an accountant, an accountant is not necessarily a sound finance adviser, a good financial adviser is not necessarily a good administrator.

(v) Need to appreciate that residential courses are expensive in time, staff and overheads – suitable replacements for trainees not available of adequate standard to fill their places during courses.

(vi) There is no room for a vacuum: knowledge obtained from academic studies must be put straight into practise – leisure hour time should be absorbed in training.

(vii) The 37 week training course at Nsamizi, for finance officers is inadequate; it does not train quickly enough to meet nation's needs: It only trains to the sub-professional post standard. The need is for correspondence courses based on Nsamizi and the staff there. This would cost no more but would achieve much more.

GAMBIA – *Local Rating*

The Gambia Sessional Paper No. 1 of 1965: Report on a general assessment carried out in pursuance of the Local Government (Bathurst) (1964 Rating Valuation) Ordinacne 1963.

The Report draws attention to public criticism of valuers blamed for rates levied and apparent ignorance of the fact that the rate is decided and imposed by the Bathurst Town Council, nor does the Council in its rate demand notes explain how revenue accruing will be spent which practice, common elsewhere, does much to explain the function of local councils to the rate payers.

The Report recommends that other means of raising revenues than from owners of buildings should be explored and suggests the possibility of such a personal tax as that in Nigeria called the Income Rate payable there by employers and recovered by them from employees.

The Report provides a suggested guide on these methods of valuation: rental, contractor's test and the profits test: inter alia the following points are made

(i) only recent rental evidence is sufficiently strong for rating valuation.

(ii) acceptable rental evidence (adjusted if necessary) is analysed down to some common unit for use in valuing other properties which may be rented: e.g., so much per sq. ft. of shop space, office space, per flat or bedroom.

UNITED KINGDOM - *Commonwealth Medical Conference*

The first ever Medical Conference was held in Edinburgh from 4th to 13th October 1965 under the Chairmanship of Mrs. Barbara Castle, Minister for Overseas Development. Representatives of 22 Commonwealth countries attended.

The inequalities in the medical establishments as between nations was noted, and it was further noted that the demand for medical services was virtually unlimited and world wide so that any help provided must involve some measure of sacrifice. The Conference concluded that the main hope of progress in the medical field lay in helping the developing countries to establish their own medical and nursing schools and other training institutions.

The older members of the Commonwealth recognised a special responsibility to assist their younger colleagues and agreed to do so in the following ways:

1. By encouraging and helping doctors and nurses who are willing to serve for a period overseas to devote their services to the developing countries of the Commonwealth.
2. By intensifying the secondment of medical teachers and other specialists to serve in medical schools overseas.
3. By increasing the provision of postgraduate training in the developed countries for those who will further the expansion of medical and nursing education in their own countries.
4. By encouraging associations between medical schools and centres in the Commonwealth as the best way of achieving these aims. Such associations should be on a continuing basis whenever possible.

A number of developing countries including Ghana, India, Kenya, Malta, Nigeria and Pakistan also agreed to provide mutual assistance in the training of certain medical cadres.

UNITED KINGDOM – *Institute of Development Studies*

Mention was made in the January Quarterly Notes of the intention to set up an Institute of Development Studies at the University of Sussex. It has since been announced that Mr. J. R. Symonds, United Nations representative in East and Southern Africa, has been appointed Acting Director of the Institute which is expected to start its activities at the beginning of the 1966 academic year.

The Institute, although sited at Sussex University, will be autonomous and its principal role, besides providing research facilities, will be to organise advance study courses on the problems of overseas development in economics, social studies and administration. These courses will be designed to cater for senior administrators from overseas countries, graduates from Britain specialising in the problems of developing countries and British Government officials working in this field.

A New Journal of Community Development:

We welcome and gladly draw attention to the publication of a new contemporary. '*Community Development Journal*', which is being edited by Mr. Peter de Sautoy of Manchester University as a Quarterly (annual subscription £1) and aiming at an international readership. This will be the only Journal of its type in Britain and its introduction is a joint effort by the Universities of Manchester, London, Birmingham and Swansea, the Overseas Visual Aids Centre and Community Service Volunteers. The Journal should prove of particular interest to all those developing countries which have programmes for community development.

Book Reviews

Criminal Procedure in Uganda & Kenya. by DOUGLAS BROWN, *London: Sweet & Maxwell; Nairobi: East African Publishing House; Lagos: African Universities Press*, 1965; pp. 155, £1 17s. 6d.

MR. BROWN, the former Principal of the Uganda Law School, prepared the substance of the work under review for the benefit of his pupils at the School. This to a large extent explains the objects and limitations of his book. The primary emphasis is on the law in Uganda, though references to the law and decisions in Kenya are inserted at appropriate places. As for Uganda, the criminal procedure discussed is primarily that which is to be followed by the magistrates' courts. The recent legislation entirely altering the structure and composition of the courts outside Buganda means that a number of the problems discussed in the case-law will probably not arise in the future. Mr. Brown appears to have made a very successful attempt to incorporate the effect of the latest Uganda legislation on the courts; but obviously some of the difficulties and problems of interpretation which will arise are not yet apparent. The fact that development in the courts and procedure in Kenya has not kept pace with that in Uganda, and that a separate procedure for Buganda courts remains in being, complicates the task of anyone who seeks to expound the law as it applies to the different kinds of courts.

A number of interesting points are raised and dealt with in the course of Mr. Brown's commentary on the Criminal Procedure Code: for instance, the problem of translation. It is notorious that in many courts in East Africa the standard of interpretation is low. Not only is it a problem of ensuring translation into and out of English, but also there may be the need for interpretation from one African language into another. The problem is especially acute in the magistrates' courts, where guilt or innocence depends on the view that the magistrate takes of the evidence presented to him, and where it is likely that whatever interpretation is available will be inferior in standard to that available in the High Court.

Mr. Brown has specifically avoided any detailed criticism of the Criminal Procedure Code. Nevertheless a number of weaknesses in the Code emerge from his exposition of it. When one considers the modest length and limited objectives of the work under review, one must commend the author for supplying us with so much original and relatively inaccessible material on such a variety of points. The reference to the case-law is particularly useful as illustrating the operation of the Code in practice. Mr. Brown is to be congratulated on the production of a work which is sure to be greatly relied on by those for whom it is primarily intended, the magistrates of East Africa.

A. N. ALLOTT.

The Principles of Native Administration in Nigeria, Selected Documents 1900-1947, edited and introduced by A. H. M. KIRK-GREENE. *Oxford University Press;* pp. 248; 25s. cloth, 16s. paper.

The wind of change still blows but the obscuring dust has settled over a great part of Africa. 'The new African intellectual . . . . is going to insist on exam-

ining the primary sources and examining them for himself'. This volume sets out to provide them.

'Lord Lugard, whom we shall always respect .... surely never intended that the expedient of the hour should remain the unchanging authority of all time' said Mallam Abubukar Tafawa Balewa, as he was in 1950. Why is it that Lugard gained, and even after independence retains, a reputation with Africans still untarnished? The reason lies in his character – the character, now so out-moded as to be almost forgotten, of the English gentleman. From his first speech at Sokoto his hearers knew what to expect. He was firm and resolute. He showed his regard for the customs and traditions of those he had conquered, and for their religious beliefs. He respected their self-respect and did nothing to humiliate them. The African personality was to him something to acknowledge and to preserve.

Lugard himself, who had absorbed 'indirect rule' from his experience with Goldie and the Royal Niger Company, knew it was only an expedient. It was its prodigious success in the North that led him later, on his return from Hong Kong, to extend it, as a system, to the Southern Provinces to which it was unsuited. At the same time he deplored its logical extension by Temple and others, who saw the Emirates forming part of a future imperial administration.

An account by Mallam Abubukar Imam, then Editor of the Hausa newspaper Gaskiya, of an interview he had with Lugard in 1943, within two years of his death, suggests that the development of local government beyond Colonial tutelage had never entered into his calculations. As Temple pointed out, 'the Chief is quite outside local influence, the Resident in charge of the Province taking the place of public opinion as a controlling force over the Emir's actions.' Such a situation is inevitably static.

It is here that I regret the inclusion of Clifford's Minute in preference to his Legislative Council speeches of 1921 and 1925. In these he declared himself unfavourably impressed in the North by the 'universal confidence in the trustworthiness, efficiency and rectitude of the numerous Native Administrations' and by the conviction 'that the peasantry were in very little need of protection'. He ridiculed the supersanctity of indirect rule 'adopted not from design but from necessity' and declared it 'as foolish to exalt it into a fetish as to indulge in any other form of indiscriminate idolatry'. Those words about the peasantry found an echo in the 'watershed speech' of the late Prime Minister, delivered in the Northern House of Assembly on the 19th August 1950. We shall have to wait for the next volume of documents for this.

After 1931 came the wise reforms of Cameron, the financial responsibilities delegated to native authorities by Bourdillon and, in 1947, the Secretary of State's call for a place in local government for the growing class of educated men. None of these in themselves removed the abuses of indirect rule, nevertheless to be fair we must not forget the integrity, devotion to duty and high purpose of such chiefs as the late Emir of Gwandu, Yahaya, and what Nigeria owes to them.

The documents in this book underline the slow impact of changing policy before 1947. They are essential reading for all who would recover the spirit of our Colonial past, its achievement and its limitation.

Its achievement was the sound experience gained by native administrations in taxation, education and the social services at local level, and finance: a basis

for experience in national government. Its limitation was the unrepresentative character of these administrations, later to change in parallel with political changes, which began with the Richards Constitution in 1947 and were to continue unchecked to Independence in 1960.

SIR ARTHUR T. WEATHERHEAD.

The Making of Tanganyika, by JUDITH LISTOWEL. *Chatto and Windus, London,* 1965; pp. 423; illustrated, appendices, Index; 50s.

Logically one might have expected Independence in East Africa to come first to Uganda then to Kenya and finally to Tangankiya. Her northern and western neighbours were richer and more developed economically and more advanced in education than Tanganyika: yet it was Tanganyika in December 1961 that broke the tape in the race for *Uhuru* in East and Central Africa, ahead of all.

History will undoubtedly agree with Lady Listowel that this remarkable feat, achieved without an emergency and without bloodshed, was due above all to the wisdom, determination and goodwill of three outstanding men – Cameron and Turnbull and Nyerere.

Had the country not been held by Britain under a League of Nations Mandate which converted to a United Nations Trusteeship; had European settlement been considerable and extensive (which others than Cameron might not have averted) there would not have been the clear cut course to follow provided the right men were in the right place at the right time, as most fortunately they were. History may well accord Lord Twining more accolades than are now bestowed. Had he not, in 1949, produced his successful cockshy for the constitutional committee he set up, for equality between the three races in the non-official representation on Legislative Council (which caused an outcry in Kenya); had he not secured compulsory voting in tri-racial constituences (whereby Tanu was able to elect European and Asian supporters and provide a non-racial front to the world) then subsequent constitutional progress would have been far more difficult: indeed, and here the Almighty must take the credit, had Lord Twining at his retirement been working in close accord with Julius Nyerere – it would have been a tremendous task for such a contrasting personality as Sir Richard Turnbull to continue that accord. It was the wide gulf existing between Government House and Party Leader that made so quickly effective Turnbull's immediate approach to Nyerere when he assumed office.

Lady Listowel provides a brilliant portrayal of the two men she knows – Turnbull and Nyerere, and an equally able picture of Cameron and his policies. She shows sympathetic understanding of the problems that faced British Administration under Byatt, paints a very fair picture of the Groundnut scheme and the surprising role of the late Tom Bain (groundnuts of course grow admirably in Ugogo, the Dodoma Bold has long carried a premium; but how Wakefield with his knowledge of the dry arid drought-ridden central plateau – a natural ranch but an unnatural farm – ever imagined that a vast acreage could *all* be planted up mechanically in the 24/36 hours or so of optimum conditions provided by the first good rain, that the Gogo peasant knows is essential, is beyond all comprehension).

A less vivid and less accurate account is given of the Meru case. The Wilson

Report should have done much better for the Chagga; it caused infinite and lasting harm (its scar was in evidence at the end of 1964) in Arusha District. Here the Governor, Twining, and through him, the Secretary of State, Griffiths, were ill-served by several of their advisers on the spot; and the Chagga politicians at that time were too interested in seeking a Paramount Chief (a *new* institution for the coffee growers of Kilimanjaro) and too little interested in basic needs, to put up an effective opposition to the Wilson Report's implementation.

Two of the appendices are excellent: the first, Nyerere's *Kwa Heri* letter to Turnbull which demonstrates his great sense of fun and great sense of the occasion; the second, an account of the army mutiny in 1964 – which is the best so far published. Nyerere's Dag Hammarskjold memorial lecture in the middle of mutiny week was in those strained circumstances an astonishingly brilliant and moving oration that none present is ever likely to forget.

Had Lady Listowel confined herself to a monograph on the leading characters she portrays with deep and sympathetic understanding, the value of 'The Making of Tanganyika' would have been much the greater.

The historical background though full of interest and written with balance and perspective, is, however, something of a jumble of fact, folklore and Hehe legend. Paramount chiefs there were, but not to each and every tribe to many of whom the idea fostered at times by the British administration was quite alien: many tribes were traditionally governed by elders without anyone holding the status of chief, let alone Paramount Chief. No Fundikira was chief of all the Nyamwezi: no Chagga until Thomas Marealle was chief of all Kilimanjaro. Cameron, seeking traditional format for his indirect rule insisted on resuscitating long forgotten tribal units in the coastal area, where many years of Arab rule and the slave trade had obliterated the traditional system. Here he failed to find chiefs at all and *faut de mieux* a reversion was later made to locally acceptable, but Government appointed liwalis.

It is only the outstanding penetration of her study particularly of Turnbull and Nyerere that enables one to forgive while at the same time regretting the large number of errors which are to be found. Too many to catalogue, a few must be mentioned else they pass in default:

pp. xiii-xiv	Several regions are described incorrectly (e.g. there is no Southern and no Central Region: Singida is in Singida Region Songea is in Ruvuma Region, Ulanga is in Morogoro Region).
p. xiv	Ranga District is a misprint for Tanga District.
p. xv	'Bwana Monsieur' is certainly not Kiswahili!
p. 9	Pineapples have never been a staple foodstuff in East Africa (? or elsewhere).
p. 35 (footnote)	It is far from true to suggest that Kodi (head tax) could not be collected under British rule; in most districts, apart from the slump years, very full collections were achieved. This became difficult only later when smaller political fry preached in the backwoods that *Uhuru* would mean no taxation. Just after independence one minister, comparing Buha with his own constituency said ruefully 'the Baha' (in the isolated far west) 'have not yet learned how not to pay tax'. 'More education and less tax' was the main theme on which Thomas

Marealle's supporters in 1951 solicited Chagga votes in the Paramount Chief elections: the Chagga nevertheless continued to pay their taxes after the election.

p. 35 'W' is often used where 'V' would be correct (Ruvuma, Vuga, Mtemvu).

p. 73 It was never announced that all theft offences would carry on conviction the penalty of 24 months and 24 strokes. This was applied to stock theft and theft of government and charity property only. This tough legislation was largely due to the failure of the courts to use their existing powers adequately in respect of these offences.

p. 99 Tabora Girls School scarcely enjoyed the uninterrupted progress suggested prior to Miss Johannson becoming headmistress and Miss Hancock Chairman of the Governors.

p. 161 Professor Mackenzie was Special Commissioner for Constitutional Development *not* merely an adviser on elections. His 1952 report, in accordance with its terms of reference, gave advice on county councils, regional bodies and electoral systems. It was administrative and not political and dealt with elections in Part IV; here it was emphasized that public opinion in 1952 was as yet largely unformed, that it would change with regard to elections and that it was the best judge of many aspects of an electoral system. What the Special Commissioner achieved was to clarify the objectives to be aimed at on the introduction of territorial-wide elections and here his preference for a Common Roll was clearly indicated: the Report provided the basic groundwork without which the subsequent legislative steps would have been slow, groping and probably misguided. The Advisory Committee on electoral systems provided Professor Mackenzie with useful discussion with leading persons of the three races – one member was Stephen Mhando. He spoke only once but pertinently 'since when was literacy in English the criterion of political maturity', ? he asked, after which he put his pipe back in his mouth and remained silent.

p. 315 There were no rich 'tea men' amongst Africans before the war: african tea growing in Tanganyika is a very recent undertaking.

p. 322 District magistrates were not elected to office in Iringa or elsewhere. Mkwawa was appointed a local court magistrate by his local authority: he subsequently became a judiciary primary court magistrate when all courts were integrated. He later resigned.

p. 382 TEL is a misprint for TFL.

p. 405 If the crowd in Dar es Salaam did not know who the Duke was, a few hours earlier when he landed in Tabora and was warmly greeted by a vast TANU-organised crowd, nearly everyone knew he was the husband of the Queen.

p. 420 The mutineers were not tried by the High Court but by a tribunal set up under specially enacted legislation. The tri-

bunal was presided over by the Chief Justice and his fellow members were two Tanganyika army officers.

p. 432 Lieutenant Nyirenda as he then was, was taken to the airport and with difficulty persuaded the mutineers not to send him off with the British officers and the one Asian, Tanganyikan officer.

p. 435 R.M. 'Oruhu' is presumably meant for the Nigerian Tony Erokwu subsequently to act as Judge in Zanzibar.

p. 438 Chief Lugusha was not banished: he was dealt with under the Preventive Detention law. Whether or not he was plotting with trade unionists in Morogoro, he certainly sought in Mutiny Week in Dar es Salaam to stimulate former chiefs to form an alternative government. He deserved his fate and was well aware what it would be if he failed in his plotting.

These points have been made to help put the record straight: they do not seriously diminish the value of Lady Listowel's admirable book which, most important of all, shows how an outstanding Colonial Governor and an exceptional and often irresistible African Nationalist leader could work successfully together to achieve an early and peaceful Independence which none could have imagined possible when first they met only three and a half years before.

P.H.J.

Education and Nation-Building in Africa. Edited by L. GRAY COWAN, JAMES O'CONNELL and DAVID G. SCANLON. *London, Pall Mall Press Ltd.*; pp. x, 403; price (in U.K. only) 50s. net.

This is a useful anthology of speeches and writings on education in Africa. The editors, very properly, interpret the term 'nation-building' to cover not merely political development but also social and economic development, and they have cast their net fairly widely to include material under each of these three heads.

The book is divided into six sections. It begins with a general introduction; then follow sections on (1) Education in the Colonial Framework, (2) Education and the Nationalist Parties, (3) Education and Economic Development – considerably the longest section, (4) Universities and Higher Education, and (5) Education and Social Change. There is a good bibliography, but no index. The omission of an index is surely a great weakness in a book of this kind. There is necessarily a great deal of overlapping, and it would be a great convenience to be able to turn to an index and look up references to such matters as agriculture, unemployment, technical education, the élite, African languages, voluntary agencies in the different papers quoted.

The aim of the editors is 'to present in the words of African leaders and through the eyes of research specialists a picture of the interlocking relationships between politics, economics, and education in contemporary Africa.' Through their wide choice of materials they have succeeded in presenting the picture. They begin by printing the British 1925 memorandum on *Education Policy in British Tropical Africa* and Governor-General Antonetti's circular of the same year on education in French Equatorial Africa. The other two papers in the Colonial section are an abridgment of a Belgian memorandum

of 1948 and a lengthy extract from Sir Sydney Phillipson's report on the grant-in-aid system in Nigeria.

Section 2 gives us a miscellany, ranging from party manifestoes and political speeches to sober and realistic papers such as the Ajayi report on school fees in Western Nigeria and the Sierra Leone commission's report on educational planning. There is an interesting confrontation between an extract from the All-African Churches Conference report on *Christian Education in Africa* and the joint statement issued by the Roman Catholic and Protestant Church leaders in Kenya on the same subject.

In Section 3 we range from Professor Arthur Lewis and Dr Dike to the apocalyptic vividness of M. Renè Dumont's *L'Afrique Noire est mal partie*. It includes Frederick Harbison's study of Nigerian manpower needs, on which the Ashby report was based – unfortunately based, in the editors' view. The Universities' section gives us wise words from Dr. Davidson Nicol and Sir Alexander Carr-Saunders; reports on university work in East Africa and on African studies at the University of Ghana; and a selection of addresses by African political leaders. The last section includes an analysis by Margaret Read of the process by which Africans select what they want in European education, and an extract from the Ashby report describing the educational situation in one part of Nigeria.

Inevitably, the materials reproduced in this anthology are of very uneven value, if judged simply as opinions on education. Some of them are valuable mainly as evidence for the political background against which the educator has to work. A few criticisms may be made. It is the easiest thing in the world to criticise an anthology for its omissions; but surely the Colonial Framework section might have included an extract from the 1952 Cambridge report, *African Education*? The 1925 Memorandum is valuable and epoch-making; but British colonial thinking worked out its general principles in much more detail in 1952. It is a rather serious slip to list Achimota College (p. 4) as a mission school. The historical importance of Achimota (as, to a lesser extent, of Makerere) was that it marked the beginning of Government secondary education on an ambitious scale. This slip weakens the argument of the passage. The French circular of 8th May 1925 seems uncertain in its dating. It is printed and dated on p. 53, but the foot-note cites its source as the printed instructions on how to apply the circular, which appeared in 1926. The document is dated 1926 in the list of contents. Since the Governor-General took the trouble to date his circular accurately, his dating ought surely to be the one used?

From a somewhat superficial reading of the book a more general criticism emerges. The book gives the impression that the teacher is always teaching for some ulterior object: to maintain the colonial system, to encourage farming and discourage politics, to equip a country with technologists, to uphold the Party and consolidate national unity, to diminish unemployment and juvenile delinquency, or whatever the current aim of the authorities may be. It is true that politicians, administrators and commissions of enquiry are always ready to tell the teacher why he should teach, and it is their utterances that are available in print. But the best work in education is done by the teacher who loves children and enjoys teaching, and who can no more help teaching than a doctor can help practising his healing art when he meets someone who needs it. A. G. Fraser was right when he said that the 'fresh and living contributions

to education' come from teachers, not from administrators or politicians. No doubt the editors of this book agree with him; they are perhaps hampered by their title. There is still room for more detailed histories of educational thought and practice in Africa; but this is an excellent introduction to the subject.

W. E. F. WARD.

The Politics and Administration of Nigerian Government, edited by L. FRANKLIN BLITZ. *Sweet & Maxwell, African Universities Press,* £1 17s. 6d or Paperback (for sale in Africa only) 15s. 264 pp.

This is an edited collection of accounts by ten people working in Nigerian universities, two of them Nigerian[1], the purpose of which is to describe what sort of a country Nigeria was, how it was governed and how justice was administered in the year 1964. In a book of such unlimited scope and restricted length the authors have had to simplify, condense and to some extent to popularise, and the first thing to know in reviewing it is why it was written, i.e. who are its intended readers. Dr. Blitz in his introduction goes some way to make this clear by saying that 'the one reason which stands above all in justifying this book is the desire of Nigerians to know about their own country. This is a book written for Nigerians'. The dust-cover adds that it is for teachers and students. Perhaps it is reasonable to conclude that it is for the vast body of educated Nigerians whose knowledge of their country is partial. This is a sufficiently ambitious claim, for there is much prejudice, myth and misunderstanding among Nigerians from different parts of Nigeria. The great ignorance of most southerners about the Northern Region, which they misunderstand and underrate, is the most striking example of this, but Easterners and Westerners are often equally uninformed about each others' territory.

This is not surprising. It is, for example, only since Britain's post-war affluence that the English in large numbers have taken Scotland in their stride, and the journeys between Regions in Nigeria are a good deal more arduous than that. The Eastern Region in particular, since it doesn't lead to anywhere else in Nigeria, is apt to remain unvisited by Yoruba and Hausa alike. A book which goes out of its way to portray Nigeria, rather than a tribe, a nation or a region *within* Nigeria, can do nothing but good.

Several members of the staff of the Institute of Administration at Zaria, who have in the past written prolifically about the Northern Region, now contribute balanced accounts of the civil service, local government, regional administration and the judicial system in all the regions, to the great benefit of their readers and possibly of themselves. It is indeed to the credit of the Zaria Institute, where the book originated, that they have sought contributors from other Nigerian universities and placed their own expertise in an all-Nigerian context.

Because a book is basically a popular exposition it does not follow that it need lack scholarship or originality, and two chapters in particular reveal something of these qualities in their authors. Ian Nicholson writes astringently and imaginatively about The Structure of Government at the Federal Level, distinguishing between the different nature of parliament and cabinet in Lagos and in the regional capitals; and James O'Connell threads his way

[1] Possibly three. I have an idea that Fr. James O'Connell is now a Nigerian citizen.

lucidly through the intricacies of politics and analyses the meaning of 'party' in Nigerian circumstances. The fact that in doing so he does not ascend into the stratosphere of academic analysis is, to me, an advantage rather than a deficiency. He could have said more, I think, about the angry and frustrated class of 'political aspirants' to whom he makes a brief reference at the end of his chapter. The political scene of every country can doubtless demonstrate the idealism of the young *vis-a-vis* the cynicism of the established and successful, but in Nigeria the wealth and corruption of many established leaders, and above all the apparent impossibility of ever dislodging them, may one day cause idealism to erupt rather violently. 'Unless (they) can find their way into the present party system', says Fr. O'Connell mildly, 'they may begin to think in terms of other parties and other systems'.

A chapter on the police and the penal system does good service by keeping its descriptive matter brief and placing a good deal of emphasis on the confusion which pervades the whole subject of punishment in Nigerian societies.

Most books emanating from African universities are probably more widely read in Europe and America than in Africa. This one should sell widely in Nigeria, at the paperback price of 15s., and should stimulate the growth of informed Nigerian citizenship.

There is a concluding chapter, by a member of the Pittsburgh faculty resident in Zaria, about Nigerian Foreign Relations, which is welcome both because it steps outside the conventional subject-matter of 'government and administration', and because it is in foreign affairs that Nigerians have found some of the unity for which they have so far striven in vain at home.

This Review was written before the January Coup – Ed.

R. E. WRAITH.

The Human Factor in Community Work, by T. R. BATTEN. With the Collaboration of MADGE BATTEN, *Oxford University Press*, pp. 235 and index, 25s.

The title of this book is significant. 'Community Development' is defined by the Battens as 'any and every organised attempt to encourage, influence, educate or help people to become actively involved in meeting some of their own needs'. This definition includes not only professional community development workers but all those departments or agencies concerned with extension work in agriculture, health, adult education, co-operatives. The book is not an academic exercise. The cases are real cases which were presented and discussed by workers from the field from many countries. The 'worker' referred to may be any field officer whose job is working closely with people at their own level.

This book is the third in the series of Dr. Batten's publications specifically concerned with community work. It consists of 37 case studies presented in nine chapters, each chapter dealing with different aspects of the difficulties and problems inherent in working with people. Each chapter contains a discussion of the case, a diagnosis of the measures used to deal with it and the implications to be drawn from it, and ends with a summary of conclusions and suggestions for avoiding the mistakes and difficulties which caused the problem. This is the real value of the book. Here for the first time is clearly presented the kind of problems which constantly arise to confuse the best laid plans of field workers. These problems are fully discussed and suggested

solutions arrived at. As Dr. Batten points out in his preface, the main purpose of the exercise was not to provide specific solutions but to find out why a particular worker failed to achieve his objective, and then to suggest how a modification of his methods might have improved his chance of success. The cases quoted are all very familiar to officers working in the field. Many of them appear to be simple and on the face of it to present little difficulty. Some are more complex and contain all the elements of final failure. Common to them all, however, are the difficulties of human communication, the ignorance of human nature and the problems of understanding susceptibilities and allaying suspicions, with which all workers with people are only too familiar.

In his Summary of Conclusions Dr. Batten points out that the community development worker may need his technical skills but his primary and basic skill is working with people. He assumes that this difficult and complex skill can be learnt. The cases in the book certainly show how this skill can be learnt the hard way, that is through experience and trial and error. While this is undoubtedly an important aspect of learning there may be certain basic disciplines of the social sciences which should form part of the equipment of a community worker. However, given the basic knowledge of human behaviour, the cases quoted in this book are an excellent presentation of how to apply commonsense to human situations with that quality and attitude of mind which make it possible to work with people.

Although the book is derived from and applies to field work experience it is hoped all administrators, technical officers and policy makers generally will read it and so help their field staff to apply the lessons it so ably teaches.

W. H. C.

Urbanization and Migration in West Africa, edited by HILDA KUPER. *University of California Press, Berkeley and Los Angeles.* 1965. $6.95. 227 pp. inc. Index.

The nine essays in this volume were presented at an interdisciplinary seminar held by the African Studies Center of the University of California, Los Angeles. They exemplify the different approaches of a geographer, a historian, a linguist, several anthropologists and sociologists, an economist and a political scientist to a problem of central importance in contemporary West Africa.

This is the effect of industrialization upon traditional life; urbanism itself being no new phenomenon. In contrast, however, to the *rus in urbe* characteristic of most traditional cities the 'new' West African town is mainly a product of forces external not only to itself but to West African society in general. It has grown up in response to the market economy introduced by European colonisalism. Though inhabited by Africans, it is largely the creation of Europeans. Its institutions are designed to serve wider embracing systems of administration and economics, not the indigenous needs of subsistence farmers and craftsmen. Moreover, it is based essentially on migration. People have moved or settled there principally to sell either goods or services. They constitute a largely transient population which for the most part lacks local ties and roots. Its principal links continue largely to be with rural villages often located hundreds of miles away.

Not all migrants find their way to the urban centers. A seasonal movement of peoples, in part traditional, provides many farming areas, particularly plant-

ations, with temporary labour. Whether, however, they work for wages or are seeking fresh markets for their trade, most migrants are thrust into a culturally different environment. They acquire fresh ideas about the organization of social life and they learn new occupational and commercial techniques. This experience is transmitted to the countryside, accentuating old and potential tensions in the family there. It is also a factor in the migrants' own attitude to town life and may in the end determine the extent to which he becomes 'urbanized'. In particular, largely on account of its migrant, tribally heterogeneous population, the town itself often serves as a kind of 'laboratory' for new social institutions and experiments.

Aspects of this general background are examined in detail by most of the contributors. Professor Fage seeks to reconstruct historically patterns of migration and supports the hypothesis that different types of urban settlement developed. In the northwest a Mandingo-Muslim commercial centre arose alongside a royal-pagan capital, while in the northeast the walled city came into existence for protection against attack. Professor Thomas, on the other hand, derives his typology from the interaction of the physical superstructure – climate, soil, water supply – with the social superstructure – communication, transport, trade, political development. Professor Greenberg traces the connection between language and urbanism and migration, making the point that group affiliations are sometimes changed deliberately by linguistic 'passing'. An individual may wish to assimilate with a group that has superior prestige and economic possibilities. Professor Banton's essay is based on his own fieldwork in Freetown; and being concerned with the question of how urban communities take shape, he, too, stresses the implications of group membership for immigrant behaviour. He warns against the idea that urban settlements are necessarily comparable because they happen to exist in Africa, and points out that in the West Coast the rural-urban differences have been smaller than in other parts of the continent.

Two of the other anthropological writers, however, are most interested in typology. Professor Miner studied educational, governmental and economic influences on the Hausa of Zaria province, including the rural areas as well as Zaria city. He found evidence of increasing urbanization in terms of some differentiation and specificity of roles and of the allocation of roles on a basis of achievement. On the whole, however, this trend was limited to the political and educated elite. Professor Schwab, whose research was done in a 'traditional' Yoruba city, somewhat similarly found that the kinship system has thus far preserved and opposed the further development of urban social characteristics. Professor Skinner, also an anthropologist, shows convincingly how colonialism helped to establish migration as a way of life among the Mossi of the Upper Volta. The political scientist, Dr. Wallerstein, also emphasizes the significance of the tribe as a reference group and explains how migration contributes to the creation of wider loyalties. Political perspective is broadened and the new associations formed become training grounds for participants in movements of national independence. Finally, Dr. Berg contends that migratory labour has economic advantages. He claims that as a result of remittances, the inflow of new tools and ideas and so on, the people at home are better off than they would be without migration.

In a well written and scholarly introduction, Dr. Hilda Kuper succeeds in drawing together many of the above somewhat scattered threads. Since she

enables the reader to see the West African scene in perspective, this chapter is in several respects the most valuable part of the book. The main gap left is the larger 'cosmopolitan' town already industrialized, which, with the exception of Freetown, receives little attention. This is a pity because, as implied earlier, such places as Accra, Dakar and Lagos tend to be pacemakers for the larger society. It would, therefore, have assisted the reader's comprehension had he been told more about the attitude of the Westernized elite, including the new roles of younger educated prople. Their adoption, for example, of the notion of romantic love has an important bearing on changes in marriage and the family. If space permitted, it might also be interesting to dwell methodologically on differences in approach between the American and the British trained writers. Nor, for that matter is much said about the smaller towns of 'mushroom' growth or about adaptation in the religious field, including syncretist and witch-finding cults. Also although there are plenty of facts and figures there is little to show how the new cultural experiences are affecting African personality: at times one feels that a dash of Achebe or Ekwensi is needed to bring the formal presentation to life and to give it colour and vitality in keeping with the subject dealt with.

Nevertheless, in the main, this is a very useful book, excellently documented and edited, and containing analyses and sources of information which will assist every student of urbanization. It is a very helpful addition to this growing field of African research and poses some problems which students of industrialization in other parts of the African continent would do well to consider.

KENNETH LITTLE.

Other Books Received

Britain and the Commonwealth, by H. VICTOR WISEMAN. *George Allen and Unwin;* pp. 153-Index. Shs. 15s.

Professor Wiseman's aim was to provide an account of the Commonwealth and Britain's role therein for overseas students in particular and also for students of all kinds likely to sit for British Constitution 'A' level examinations.

In 150 pages a clear and full picture of the Commonwealth is drawn in three parts: the first covering the Commonwealth as a whole, the second dealing with constitutions and Governments, the third looking at the future of the Commonwealth. Finally, in his conclusion, Professor Wiseman seeks to show the place of the Commonwealth in the setting of world problems.

This book should prove an admirable introduction to the meaning, purpose and future of the Commonwealth not only for students but also for the general reader who wishes to be brought up-to-date about this remarkable multi-racial free association of nations.

The Management of Education, by L. J. LEWIS and A. J. LOVERIDGE *Pall Mall Press;* pp. 116; Appendix, References and Select Reading List; 25s.

This small book provides for the teacher in newly independent developing countries a guide to the administrative machinery of education. The varied select reading list which is included should also prove very useful.

The Effect of Independence on Treaties, a Handbook prepared by the International Law Association, London; *Stevens & Sons;* pp. 391, appendices; £5 5s.

This important work should prove of particular interest to international lawyers and to legal draftsmen in newly independent countries. A carefully prepared Handbook it is confined to general statements of a historical character, shows the practice which has been adapted in many recently independent countries and in analysing the relevant documentation, sets out clearly the problems that have to be faced.

The independent opinion of Jaroslav Zourek in the preface concludes with the following most pertinent sentences:

> 'The question whether a rule exists in the general international law imposing on the new States the obligation to assume some commitments of the former State on whose territory they have emerged, and which are the cases when it should happen, may be answered only after a thorough examination of the practice of States with which this handbook is dealing. A study of the practice of States, both former and recent, will also provide a reliable basis for potential suggestions *de lege ferenda* in the interest of a progressive development of international law.'

Understanding an African Kingdom: Bunyoro, by JOHN BEATTIE: *Holt, Rinehart & Winston,* pp. 61 Shs 10s.

Published in the 'Studies in Anthropological Method' series which seeks to show how the Anthropologist gathers and interprets his facts. Mr. Beattie here describes his methods of research carried out in the Bunyoro Kingdom in Uganda where he spent nearly two years, in all, between 1953 and 1955. Of particular interest is the final chapter in which he discusses the moral responsibility of a Field worker and the effect of his work not merely on himself but on those whom he studies and those who assist him in his work. Mr. Beattie stresses his belief that research data must be collected by trained scholars: 'If social anthropologists do not do their own field work, it is certain no one else will do it for them', he concludes.

Die Sozialwissenschatliche Erforschung Ostafrikas 1954-1963 (Kenya, Tanganyika/Sansibar, Uganda) by A. MOLNOS. *Springer-Verlag, Berlin, Heidelberg, New York.* 1965; pp. xv, 304; 43 D/marks.

A comprehensive review of the social and economic research in progress in East Africa during this ten year period. The main body of the work is arranged by subject, and there are very full indexes of authors, tribes and districts. The most valuable feature of the volume is the series of bibliographies listing many hundreds of books, reports and articles published in this field.

African Urbanization, a bibliography compiled in the University of Edinburgh and published, 1965, by The *International African Institute:* pp. 27, Shs. 10s.

More than seventy towns, South of the Sahara, are cited in this very useful reading list of some nine hundred works mostly of a demographic, economic and sociological nature.

Studies in the Laws of Succession in Nigeria) edited by J. DUNCAN, M. DERRETT. *Oxford University Press,* 1965. pp. 281; Indexes, Shs. 50s.

Following an Introductory Chapter by the Editor, this book consists of six essays by specialists, mostly anthropologists, covering the inheritance and succession laws of the Afrikpa, Mbembe, Yoruba, Igala, Idoma and Hausa peoples; of particular interest is the contrast presented by the sociological examination of customary personal law of this work with that of the 'conventional' lawyer to be found elsewhere.

An Introduction to the History of East Africa, by ZOE MARSH and G. W. KINGSNORTH, *Cambridge University Press,* 1965 Third Edition, pp. 235. Reading List and Index; 12s. 6d.

As long as pupils do not make Stanley their hero (he receives far more space than he deserves in this small book) then the authors of this new edition will have provided a general-picture introduction to the history of East Africa which should prove useful in schools for those beginning to take a serious interst in their study of this subject.

Management, by BETSY ANN OLIVE, published by the *Graduate School of Business and Public Administration, Cornell University;* pp. 188 and Index; $4·50.

The administrative sciences are given a broad coverage in this inter-disciplinary bibliography containing over 400 references. It is to be noted that reference to most British Quarterlies dealing with public administration appears to have been omitted. A very wide field of American publications is covered.

Extension in Rural Communities, by A. H. SAVILE. *Oxford University Press,* 1965; pp. 115; Appendices and Index; 21s.

Produced in the Oxford Tropical Handbook series, this small book, to which R. J. M. Swynnerton provides an interesting foreword, should prove a useful guide for agricultural extension and community development staff taking up appointments in the tropics.

Via Ports, by ALEXANDER GRANTHAM, *Hong Kong University Press* (through O.U.P. outside Hong Kong) pp. 199: illustrations and Index: 45s.

This autobiography is by a distinguished British Administrator who held office as Governor of Hong Kong for no less than ten years and who also saw service in the West Indies, the Pacific Islands and Nigeria. In a final Retrospect Chapter, Sir Alexander shows sympathetic understanding with the views of the Chinese Mainland Government towards Formosa: he does not, however, venture any opinion as to the future of Hong Kong – a pity.

High Dam at Aswan, by TOM LITTLE. *Methuen & Co.;* pp. 234; 30s.

Tom Little, a Journalist with long experience in the Middle East, tells the full story of the High Dam and the successful first phase construction at Aswan. Its place in the history of the Nile, the international culture campaign to save the historic monuments otherwise due to be submerged, details of the dam design and of the political background to its execution are all described in a competent and readable manner.

* * * * *

Correction

Mr. T. G. Brierly whose Article on Evolution of Local Administration in French-speaking West Africa was published in our January issue, this year, served formerly in the Office of the Premier at Kaduna and not in that of the Emir, as stated. Subsequently, from 1961-64, Mr. Brierly was Senior Tutor at the Institute of Administration, Zaria.

Attention is drawn to the following *errata* in Mr. Brierly's Article as published :

FOOTNOTE 6

The word 'and' should be inserted after 'assemblies'.

TABLE II

Under Mauritania column 'Commandant de cercle' should be read for 'Commandment de cercle' and † substituted for * after 'Conseil de la commune rurale'.

Under Niger column insert † after 'conseil d'arrondisement'.

Under Senegal column insert £ after 'Region'.

Under Togo column insert † after 'conseil de circonscription'.

Under Upper Volta column omit * after 'conseil departmental' and substitute † for * after 'conseil de collectivete rurale' and substitute * for † after 'commune'.

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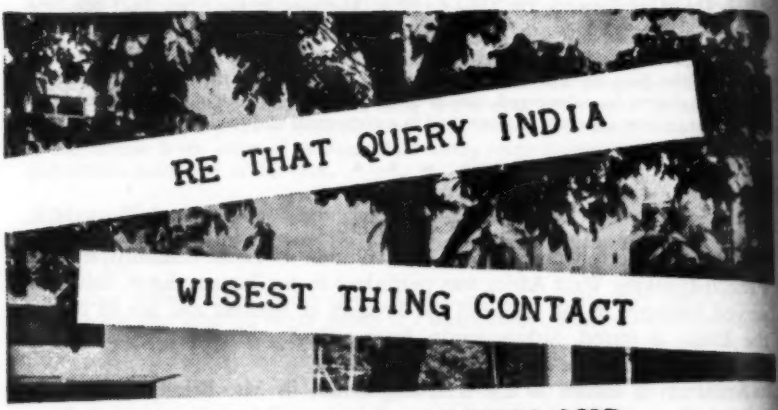

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